



Transcript of the Hearing of

Date: June 17, 2014

Volume: v

Case: DOCKET NO. 445

Printed On: June 24, 2014

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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Docket No. 445

Homeland Towers, LLC, and New Cingular
Wireless PCS, LLC, Application for a
Certificate of Environmental Compatibility
and Public Need for the Construction,
Maintenance, and Operation of a
Telecommunications Facility Located Southwest
of the Intersection of Old Stagecoach Road
and Aspen Ledges Road, Ridgefield,
Connecticut

Continued Council Meeting held at Public
Utilities Regulatory Authority, 10 Franklin
Square, New Britain, Connecticut, Tuesday,
June 17, 2014, beginning at 1:05 p.m.

H e l d B e f o r e :

ROBERT STEIN, Chairperson

<p style="text-align: right;">Page 332</p> <p>1 A p p e a r a n c e s: 2 C o u n c i l M e m b e r s: 3 J A M E S J . M U R P H Y , J R . 4 P H I L I P A S H T O N 5 D R . B A R B A R A C . B E L L 6 R O B E R T H A N N O N , D E E P D e s i g n e e 7 D R . M I C H A E L W . K L E M E N S 8 D A N I E L P . L Y N C H , J R . 9 10 C o u n c i l S t a f f: 11 M E L A N I E B A C H M A N , E S Q . , 12 E x e c u t i v e D i r e c t o r a n d 13 S t a f f A t t o r n e y 14 15 D A V I D M A R T I N 16 S i t i n g A n a l y s t 17 18 F o r N e w C i n g u l a r W i r e l e s s , P C S , L L C , a n d 19 H o m e l a n d T o w e r s , L L C : 20 C U D D Y & F E D E R , L L P 21 4 4 5 H a m i l t o n A v e n u e , 1 4 t h f l o o r 22 W h i t e P l a i n s , N e w Y o r k 1 0 6 0 1 23 B y : C H R I S T O P H E R B . F I S H E R , E S Q . 24 25</p>	<p style="text-align: right;">Page 334</p> <p>1 T H E C H A I R P E R S O N : G o o d 2 a f t e r n o o n , l a d i e s a n d g e n t l e m e n . I ' d l i k e t o 3 c a l l t o o r d e r t h e m e e t i n g o f t h e C o n n e c t i c u t 4 S i t i n g C o u n c i l o n D o c k e t 4 4 5 t o d a y , T u e s d a y 5 J u n e 1 7 , 2 0 1 4 , a p p r o x i m a t e l y 1 : 0 5 . 6 M y n a m e i s R o b i n S t e i n . I ' m 7 c h a i r m a n o f t h e C o n n e c t i c u t S i t i n g C o u n c i l . 8 T h i s h e a r i n g i s a c o n t i n u a t i o n o f a h e a r i n g 9 h e l d o n A p r i l 2 4 , 2 0 1 4 , i n R i d g e f i e l d , 10 C o n n e c t i c u t . A n d J u n e 3 , 2 0 1 4 , i n N e w 11 B r i t a i n , C o n n e c t i c u t . I t ' s h e l d p u r s u a n t t o 12 t h e p r o v i s i o n s o f T i t l e 1 6 o f t h e C o n n e c t i c u t 13 G e n e r a l S t a t u t e s a n d o f t h e U n i f o r m 14 A d m i n i s t r a t i v e P r o c e d u r e A c t u p o n a p p l i c a t i o n 15 f r o m H o m e l a n d T o w e r s , L L C , a n d N e w C i n g u l a r 16 w i r e l e s s P C S , L L C , f o r a c e r t i f i c a t e o f a n 17 e n v i r o n m e n t a l c o m p a t i b i l i t y a n d p u b l i c n e e d 18 f o r t h e c o n s t r u c t i o n , m a i n t e n a n c e a n d 19 o p e r a t i o n o f a t e l e c o m m u n i c a t i o n s f a c i l i t y 20 l o c a t e d s o u t h w e s t o f t h e i n t e r s e c t i o n o f O l d 21 S t a g e c o a c h R o a d a n d A s p e n L e d g e s R o a d i n 22 R i d g e f i e l d , C o n n e c t i c u t . T h e a p p l i c a t i o n w a s 23 r e c e i v e d b y t h e C o u n c i l o n F e b r u a r y 2 1 o f 24 2 0 1 4 . 25 A v e r b a t i m t r a n s c r i p t w i l l b e</p>
<p style="text-align: right;">Page 333</p> <p>1 A p p e a r a n c e s : (C o n t ' d .) 2 F o r R i d g e f i e l d e r s A g a i n s t t h e C e l l T o w e r : 3 E V A N S , F E L D M A N & A I N S W O R T H , L L C 4 2 6 1 B r a d l e y S t r e e t 5 N e w H a v e n , C o n n e c t i c u t 0 6 5 0 7 6 (2 0 3) 7 7 2 - 4 9 0 0 7 B y : K E I T H R . A I N S W O R T H 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 335</p> <p>1 m a d e o f t h i s h e a r i n g d e p o s i t e d w i t h t h e t o w n 2 c l e r k ' s o f f i c e s i n t h e R i d g e f i e l d T o w n H a l l 3 f o r t h e c o n v e n i e n c e o f t h e p u b l i c . W e w i l l 4 p r o c e e d i n p e r f o r m a n c e w i t h t h e p r e p a r e d 5 a g e n d a , c o p i e s o f w h i c h a r e a v a i l a b l e h e r e 6 c o m m e n c i n g w i t h t h e a p p e a r a n c e o f t h e 7 i n t e r v e n o r r e p r e s e n t i n g R A C T , R i d g e f i e l d e r s 8 A g a i n s t T h e C e l l T o w e r . 9 S o b e f o r e w e s w e a r i n t h e -- 10 A s o f J u n e 1 2 t h , t h e A p p l i c a n t 11 r e q u e s t e d a d m i n i s t r a t i v e n o t i c e o f 12 c o r r e s p o n d e n c e d a t e d M a y 2 9 , 2 0 1 4 , i n a n 13 a t t a c h m e n t f r o m t h e O f f i c e o f S t a t e 14 A r c h a e o l o g y . 15 D o e s t h e I n t e r v e n o r h a v e a n y 16 o b j e c t i o n s ? 17 M R . A I N S W O R T H : W e d o n o t . 18 T H E C H A I R P E R S O N : O k a y . T h a n k 19 y o u . 20 B e f o r e w e s w e a r i n M r . M a x s o n , 21 A t t o r n e y A i n s w o r t h , d o y o u w a n t t o e x p l a i n 22 w h a t y o u w a n t t o d o w i t h t h e w i t n e s s e s t h a t 23 a r e o n y o u r l i s t , b u t t h a t a r e n o t -- I 24 u n d e r s t a n d t h a t a r e n o t g o i n g t o a p p e a r ? 25 M R . A I N S W O R T H : Y e s ,</p>

1 Mr. Chairman.
2 We had a number of witnesses
3 who submitted prefiled testimony in the form
4 of affidavits. The purpose of which was --
5 and they made themselves -- some made
6 themselves available for cross-examination.
7 Some did not.
8 The idea was that we wanted
9 to -- if they chose to appear to be
10 cross-examined, they could make their
11 testimony, you know, subject to
12 cross-examination; but if they did not, those
13 materials would be submitted as limited
14 appearance materials, obviously in the form
15 of the affidavit, but that could go into the
16 record as if they were any other submissions
17 to the Council.
18 THE CHAIRPERSON: Okay. And
19 do you want to take them one at a time? Or
20 should I just read -- I believe there are a
21 total of five and just to see if we have any
22 objection from the Applicant?
23 MR. AINSWORTH: That's fine
24 with me, your Honor.
25 THE CHAIRPERSON: Okay. The

1 first one is Christopher Glidden. Is there
2 any objection to taking them in as -- his
3 testimony is a limited appearance.
4 MR. FISHER: Hi. Good
5 afternoon, Chairman. Attorney Chris Fisher
6 on behalf of the Applicants.
7 Just a procedural objection.
8 I believe it's improper to accept that as
9 limited appearance testimony. The testimony
10 from someone who is, in fact, a party and
11 that if that was to be submitted as evidence
12 in the form of an affidavit or a letter, it
13 really should be subject to
14 cross-examination. I would note that
15 procedural objection for the record.
16 To the extent the Council
17 wants to take that information in and simply
18 have it available if it's not part of the
19 evidentiary record that's cited to by the
20 parties, we don't necessarily have an
21 objection to that. And to the extent that
22 I'm overruled, certainly we can deal with it
23 in briefing.
24 MR. AINSWORTH: And just as a
25 response, it would seem incongruous to allow

1 the general public to submit limited
2 appearance materials that the Council accepts
3 in that form and then to actually take
4 someone who has taken the time to become a
5 party to say that they can't even submit that
6 kind of a material and can only submit
7 materials that are subject to
8 cross-examination.
9 THE CHAIRPERSON: Okay. We'll
10 allow this for, you know, for whatever it's
11 worth to be in here, to be submitted.
12 Getting a positive nod from my
13 Staff Attorney here, so I'll just go down.
14 So Christopher Glidden, Mark
15 Gasparino, Maureen Cullane, Andre Avesos and
16 Lori Schwartz. These are the people that I
17 have on my list. Is there somebody else?
18 Did I miss anybody?
19 MR. AINSWORTH: No. Those are
20 the ones.
21 THE CHAIRPERSON: Okay. So as
22 I said, we'll accept them as a limited
23 appearance for the purpose of the hearing.
24 And we will now go to your
25 witness who is here. Mr. Maxson, so start

1 with the swearing in.
2 D A V I D M A X S O N,
3 called as a witness, being first duly
4 sworn by Ms. Bachman, was examined and
5 testified on his oath as follows:
6 THE CHAIRPERSON: Okay.
7 Attorney Ainsworth, would you continue by
8 verifying the exhibits you have filed in this
9 matter?
10 MR. AINSWORTH: Yes, sir.
11 Mr. Maxson, did you prepare or
12 assist in preparing three documents listed on
13 the hearing program as B31 through 3, a
14 report of David Maxson of coverage maps,
15 dated April 17th, your curriculum vitae, and
16 a supplemental brief prefiled testimony
17 submitted June 5, 2014.
18 THE WITNESS: Yes, I did.
19 MR. AINSWORTH: And do you
20 have any corrections, deletions, or additions
21 to those materials?
22 THE WITNESS: Yes. I
23 identified one typographic error in the first
24 line of the executive summary. The word
25 "the" is mistyped.

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1 MR. AINSWORTH: And is that in
2 your original prefiled testimony or
3 supplemental?
4 THE WITNESS: That's my
5 report, the original testimony.
6 MR. AINSWORTH: That would be
7 B31?
8 THE WITNESS: Yes.
9 MR. AINSWORTH: Other than
10 that correction, do you have any other
11 corrections to make?
12 THE WITNESS: I do not.
13 MR. AINSWORTH: And do you
14 adopt those B31 and 3 as your testimony here
15 today?
16 THE WITNESS: I do.
17 MR. AINSWORTH: Mr. Chairman,
18 I seek to make this witness available for
19 cross-examination.
20 THE CHAIRPERSON: Is there any
21 objection?
22 MR. FISHER: No, Mr. Chairman.
23 Thank you.
24 THE CHAIRPERSON: Okay. These
25 will be made part of the record, and we'll

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1 begin the cross-examination of Mr. Maxson
2 with staff.
3 Mr. Martin.
4 MR. MARTIN: Thank you,
5 Mr. Chairman.
6 CROSS-EXAMINATION
7 MR. MARTIN: Mr. Maxson, on
8 the coverage plots that you generated for
9 your report, you show from the proposed site
10 fairly significant coverage to the north of
11 the site, yet in the other sort of
12 alternative sites you don't show any coverage
13 or not much coverage to the north of that
14 ridge on which the proposed site is located.
15 How would you propose to cover that portion
16 of what the proposed site would cover?
17 THE WITNESS: As I explained
18 in my report, I'm suggesting that the
19 checkers on the checkerboard be repositioned.
20 And, among the possibilities for providing
21 additional service to the north of the ridge,
22 a location such as the school property or if
23 there are other town properties up there or
24 potentially private properties in heavily
25 wooded areas, could actually, I think, better

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1 serve the Ridgebury side of the ridge than
2 the proposed facility does.
3 If you look at my coverage map
4 that shows the proposed facility it does not
5 completely serve the Ridgebury area. So even
6 with that additional coverage from the
7 proposed height of the proposed facility,
8 Ridgebury is not fully served and would
9 probably require an additional facility in
10 the near future to complete coverage.
11 MR. MARTIN: Okay. Thank you.
12 And in your discussion about
13 the relevance of the public safety
14 communications, you spent some time talking
15 about portable versus mobile coverage. Could
16 you kind of clarify what the difference is
17 between these two systems that you were
18 talking about.
19 THE WITNESS: Yes. Mobile
20 coverage is the term used by the FCC and
21 generally in the industry refer to coverage
22 that is provided between the repeaters, the
23 base stations and vehicles that have radios
24 in them.
25 And because the vehicle has an

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1 electrical system and a power supply, the
2 radio can operate at nearly the same amount
3 of power as the repeater location so that the
4 communications down from the repeater to the
5 mobile, to the vehicle and back up to the
6 base station are almost equivalent and you
7 get more coverage when you model mobile
8 coverage than portable coverage.
9 With portable coverage you
10 have a handheld radio that's only operating
11 at a few watts rather than, perhaps, 30 or
12 50 watts with the mobile. So while the
13 repeater or base station can reach the
14 portable, when the portable responds, if it's
15 far on the fringe, it may not be able to
16 reach back to the repeater or base station.
17 So, in modeling coverage for
18 two-way radio communications, it's important
19 to look at both the portable and the mobile
20 coverage and to determine what the design
21 objectives are when designing a two-way radio
22 network.
23 MR. MARTIN: Okay. Thank you.
24 And also you talk about
25 simulcast sites and you suggest that

1 simulcast sites are best located in the
2 valleys rather than ridgetops in order to
3 minimize the interference that we might have
4 with one another. So if you were to set up
5 sites kind of within these valleys, how would
6 they communicate from one valley to another?
7 THE WITNESS: The purpose of
8 the simulcasting is to provide a more
9 complete coverage footprint throughout a
10 service area. So you would have a simulcast
11 facility in Valley A and you would have a
12 simulcast facility in Valley B, both
13 connected back to the central control point
14 so that when those simulcast transmitters go
15 on, on the same channel at the same time,
16 they each illuminate very distinctly
17 different geographic areas.
18 In contrast, if you have
19 simulcast slates up on hills, there will be
20 areas where their coverage will overlap, and
21 the time delay between Site A, and a
22 particular location in the overlap and
23 repeater Site B simulcasting to that same
24 location, even though it's at the speed of
25 light, the time delay between those two can

1 cause interference in the overlap.
2 So by moving the illumination
3 from the tops of the ridges and putting them
4 down in the terrain to serve specific valley
5 areas, it helps isolate simulcast facilities
6 so that they don't overlap and cause
7 interference.
8 MR. MARTIN: And because this
9 discussion of simulcast facilities came in
10 on your -- about addressing public safety
11 issues, the simulcast sites are primarily
12 used for public safety types of networks?
13 THE WITNESS: The simulcasting
14 we're talking about is in the -- in my
15 testimony is specifically relating to two-way
16 radio communications and specifically to the
17 public safety communications that we're
18 discussing here, yes.
19 MR. MARTIN: So they wouldn't
20 necessarily be pertinent for, like the AT&T
21 coverage that they're trying to achieve at
22 this site?
23 THE WITNESS: That's correct.
24 For a conventional macro cell site
25 simulcasting is not really an applicable

1 concept.
2 MR. MARTIN: Thank you. Those
3 are my questions, Mr. Chairman.
4 THE CHAIRPERSON: Okay. Thank
5 you.
6 We will now go to questions
7 from the Council.
8 Senator Murphy.
9 MR. MURPHY: Thank you,
10 Mr. Chairman.
11 Got me now?
12 I just have a couple of
13 questions on your report, Mr. Maxson. I've
14 been privileged to cross-examine you before,
15 as have some of the other members of the
16 Council, but at the bottom of page 1 of your
17 report do you really mean that there's
18 nothing to indicate that there's a need for
19 public safety communications in the town of
20 Ridgefield?
21 You lump together the need and
22 whether this solution is genuine. Do you
23 really doubt that there's a genuine need here
24 for public safety communications in this
25 town?

1 THE WITNESS: Perhaps I could
2 clarify that, when I talk about the need, I
3 think I'm specifically talking about the need
4 for the proposed facility -- and if that
5 helps clarify my meaning, I would add those
6 words to that sentence.
7 MR. MURPHY: Okay. Because
8 the way I read it, it indicates -- I realize
9 that you're questioning whether this tower is
10 a solution, which it's not. It would be, as
11 I understand it, part of it, and the only
12 part we see is this part, and so it's not the
13 answer in toto.
14 But I read it also, you're
15 indicating that there's no need in this town,
16 but that's not what you intended to convey to
17 me?
18 THE WITNESS: That's correct.
19 I appreciate the question, because it was --
20 it's not clear that when I say "the need,"
21 I'm referring specifically to the need for
22 the proposed facility.
23 MR. MURPHY: Thank you. And
24 turning to page 6 in the second paragraph, if
25 the tower proposed was lower at this site, do

1 you really believe there would be less
2 objection to this tower at this height?
3 THE WITNESS: I can only say
4 that I believe it would be less
5 objectionable.
6 I can't -- certainly can't
7 speak for neighbors or individuals, but in my
8 experience when you have poles, for instance,
9 that I had originally suggested where the
10 antennas are just peeking above the treetops,
11 it reduces the dominating appearance of the
12 structure both from near, nearby and from
13 longer scenic views.
14 MR. MURPHY: So, in effect,
15 you would expect there would be opposition to
16 it at 120 feet from the neighbors, forgetting
17 whether the 120 works or not?
18 THE WITNESS: Just
19 hypothetically, 120 feet?
20 MR. MURPHY: Right.
21 THE WITNESS: Yes, sir.
22 I anticipate that, as long as
23 it's a substantial height above the treeline,
24 an installation on this ridge would be
25 something that some people would find

1 unpleasant.
2 MR. MURPHY: Do you believe
3 that if it was not above the treeline there
4 would be no objection by the neighbors?
5 THE WITNESS:
6 Immediate neighbors? It's
7 hard to say without having, you know, balloon
8 floats and, you know, visual demonstrations,
9 visual analysis of what the impact would be.
10 It would certainly make a huge difference in
11 terms of the view of the ridge from the
12 Pierrepont State Park area or from the high
13 school or other open areas that can see the
14 ridge.
15 MR. MURPHY: I have nothing
16 else, Mr. Chairman, at this time.
17 THE CHAIRPERSON: Thank you.
18 Mr. Hannon?
19 MR. HANNON: Thank you, Mr.
20 Chairman.
21 I've got a couple of questions
22 just to sort of follow up on some of the
23 issues today. One of the things that you
24 were talking about, for example, possible
25 alternatives in dealing with getting signals

1 out further to the north, was using school
2 properties.
3 And I guess my question on
4 that would be, do you think that that's going
5 to be something that people in town would
6 find highly objectionable in trying to put
7 towers at school sites, things of that
8 nature?
9 Because, just based on
10 comments we've received over time, people are
11 concerned about towers being close to their
12 house. If you start putting towers close to
13 a school, is that going to galvanize people?
14 THE WITNESS: My experience is
15 it really depends on the community. I -- the
16 town adjacent to mine and Westwood,
17 Massachusetts has a camouflage tower like a
18 cupola on the top of the middle school with
19 wireless antennas in it. And it's something
20 that the community supported, of course, and
21 it was accomplished a number of years ago.
22 So I think it really depends
23 on a particular community, and I can't speak
24 for Ridgefield.
25 MR. HANNON: Okay. And the

1 other question I had, I think you were
2 talking about mobile versus portable. And if
3 I understood you correctly, it sounds like
4 dialogue was more about sort of radios and
5 phones, but does that also include data?
6 THE WITNESS: The mobile and
7 portable discussion was about two-way radio
8 communications. And if the question then is
9 about data communications, for the most part
10 data communications and public safety
11 communications are in mounted conditions in
12 automobiles and emergency response vehicles
13 and those sorts of things, so they would
14 likely have similar power as the voice
15 communications in those mobile environments.
16 MR. HANNON: Okay. Thank you.
17 I have no further questions.
18 THE CHAIRPERSON: Okay. Thank
19 you.
20 Mr. Lynch?
21 MR. LYNCH: Mr. Hannon led
22 into my question on data services. The
23 carriers today are all primarily building
24 their networks to deliver that data service.
25 And how would that impact -- we're not

1 talking about radio communication, but how is
2 that going to change what your view on
3 delivering, putting this tower and having any
4 type of -- you talk about a weaker signal
5 from the portable unit, and how is that
6 delivering the data service going to be
7 impacted?

8 THE WITNESS: I'm sorry. When
9 you refer to that data service, you're
10 talking about the service that's provided by
11 the wireless carriers?

12 MR. LYNCH: Yes.

13 THE WITNESS: Yes, that's a
14 different data service than the public safety
15 data service that we were just talking about.

16 MR. LYNCH: I'm well aware of
17 that, but we're talking about today a -- and
18 we've had a lot of discussions with the
19 carriers over their switching from -- can you
20 hear me now -- to delivering data service,
21 and I just want to get your opinion on that.
22 And I guess that's what I'm saying.

23 THE WITNESS: Well, the
24 proposed facility, because of its very large
25 footprint, would provide commercial data

1 services to a large area, and I think that's
2 something we've observed and generally agree
3 on. And the alternatives that I'm suggesting
4 would also provide data services to an even
5 larger area by distributing the cell sites in
6 different ways.

7 MR. LYNCH: But that would be
8 on a lower frequency, would it not, for the
9 public safety?

10 THE WITNESS: Yeah, there are
11 a number of things that are different. So
12 it's very hard to compare apples to apples
13 between the public safety data coverage and
14 the wireless services data coverage.

15 MR. LYNCH: Thank you,
16 Mr. Maxson.

17 No more questions,

18 Mr. Chairman.

19 THE CHAIRPERSON: Thank you.

20 Dr. Klemens.

21 DR. KLEMENS: Thank you,
22 Mr. Chairman. I just have a few questions.

23 On page 4 of the report on the
24 second paragraph, you talk about a maneuver
25 that prevented the town meeting from

1 explicitly voting on this new cell tower.
2 What do you actually mean by that? It's --
3 you're giving an appearance of some
4 impropriety.

5 THE WITNESS: I am -- having
6 been involved in the original request for
7 proposals process and having sort of tracked
8 the evolution of what is now the proposal
9 before you, what I understand happened -- and
10 this is from press reports and from other --
11 other information sources, what I understand
12 happened was that the town meeting said no to
13 a cell tower on this property, and so the
14 property was not to be acquired, on the
15 general large parcel.

16 And then, subsequently, the
17 parcel was subdivided, and at a town meeting
18 the Town was given the opportunity to
19 purchase most of the land for conservation
20 land with the assurance that there would be
21 no cell tower on the conservation land, and a
22 number of residents contributed to the fund
23 to acquire that, that property.

24 And then this private deal
25 happened in parallel with that. And I think

1 it's surprised a number of people after their
2 efforts to prevent a cell tower from being
3 built on top of this ridge.

4 DR. KLEMENS: Although
5 distasteful and making the residents unhappy,
6 you're not alleging that something illegal
7 happened?

8 THE WITNESS: I'm not alleging
9 that something illegal happened. I -- I have
10 no information either way on that, but it
11 certainly was a process by which the private
12 property ended up with a proposed cell tower
13 on it.

14 DR. KLEMENS: You mentioned
15 about the high schools, the high school
16 putting a tower, trying to get the high
17 school, making it higher to compensate for
18 the lower ground, giving it more height. I
19 thought it was my understanding -- and maybe
20 I'm -- correct me if I'm wrong -- that the
21 Town has gone on record as saying they're not
22 allowing any cell towers at schools. Is that
23 correct?

24 THE WITNESS: I'm not aware of
25 any formal indications by the town one way or

1 the other.
2 DR. KLEMENS: I think there
3 may have been a representation, at least,
4 made by the First Selectman, I think. I'm
5 not sure. I'll have to go back and look at
6 my notes.
7 Can we move also now if this
8 tower -- I have asked the Applicant about
9 camouflaging the tower, and the Applicant has
10 responded with a document saying that they
11 don't believe that the monopine is an
12 appropriate way to camouflage the tower.
13 What is your opinion about
14 other things such as the rust-color tower as
15 opposed to aluminum and a metal tower? Would
16 that help mitigate the visual impact,
17 particularly for the neighbors? The far
18 views are one thing, but I'm concerned about
19 how we can lessen the impact of this tower on
20 the immediate neighbors and how would you, as
21 a professional in the field, find a way to
22 lessen that visual impact?
23 THE WITNESS: I think one
24 experience from perhaps a decade ago that
25 really sort of sealed it for me was in

1 Nahant, Massachusetts, where a tower was
2 proposed behind the police station and the
3 residences immediately nearby.
4 So the Town hired an architect
5 to assist with a visual assessment, and the
6 architect recommended that a structure --
7 sometimes you can't hide a cell tower. So
8 you create a structure that has clean
9 architectural lines and perhaps the most
10 familiar and least objectionable of those
11 types of towers would be the -- what I call a
12 concealed antenna monopole, or a flagpole
13 style tower. It doesn't have to have a flag
14 on it, which is very narrow in diameter,
15 perhaps 3 feet at the top to accommodate the
16 kinds of antennas that we're using today.
17 And it's just a clean pole,
18 and in the case of Nahant, the architect
19 recommended a particular color, white,
20 because Nahant is a seaside community and
21 white was kind of consistent with both masts
22 and other kinds of construction.
23 In a wooded area, perhaps a
24 brown might be more effective. There's, in
25 Wilbraham, Massachusetts, a tower that's

1 situated in the woods that is brown, and that
2 helps keep it from standing out. But it's
3 brown and the antennas are closely packed to
4 the tower. They're not a large frames.
5 DR. KLEMENS: Are they within
6 the tower or are they flush mounted?
7 THE WITNESS: The one at
8 Wilbraham is flush mounted. The one in
9 Nahant that I described is inside the cover.
10 DR. KLEMENS: Just so I'm
11 clear on this, so in your professional
12 opinion, the best way to mitigate the visual
13 impact of this tower, if it is built, to the
14 immediate neighbors that are surrounding on
15 Stagecoach and Aspen, would be a either flush
16 mount or a monopole flagpole type antenna
17 painted brown?
18 THE WITNESS: Yes. If I can
19 clarify that, that I think there are sort of
20 three components: reducing the height so
21 it's less -- giving less of a sense of
22 looming over the neighborhood; reduce the
23 visual mass by bringing in the antennas close
24 to the structure and not having 14-foot wide
25 mounts; and lastly, reducing the visual

1 clutter which is enclosing the antenna cable
2 and other assemblies inside a cowling.
3 So that the cleanest approach
4 is a concealed antenna monopole, a unipole as
5 it's called; secondarily, the flush mount
6 with a -- a dark color in a wooded area such
7 as brown can be helpful.
8 DR. KLEMENS: Thank you.
9 I have no further questions,
10 Mr. Chairman.
11 THE CHAIRPERSON: Thank you.
12 Dr. Bell?
13 DR. BELL: Thank you,
14 Mr. Chairman.
15 Mr. Maxson, in your report you
16 talk about further study that the Town would
17 need to do in order to provide more evidence,
18 or I think you would say, any evidence for
19 adopting this particular tower proposal.
20 But I'm kind of confused
21 because the previous witness for the
22 Applicant mentioned the emergency services
23 task force, which did do a study and which
24 was, apparently, completed in October of
25 2013. And they did that with the services of

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1 a consultant. I'm a little confused about
2 the name of the consultant, and what point
3 Motorola was or wasn't involved.
4 But that doesn't really
5 matter. The point was Mr. Aarons referred to
6 a report that was done in October 2013, and
7 made some further statements about that.
8 Have you seen that study?
9 THE WITNESS: I have not seen
10 that study.
11 DR. BELL: You're aware
12 that -- you're aware of it?
13 THE WITNESS: From the
14 testimony that I've read in the transcripts,
15 I'm aware of it, but as my understanding,
16 it's not in evidence so I -- I am unable to
17 peer review it.
18 DR. BELL: Okay. I was just
19 curious as to whether this -- you're aware of
20 this because you read about it in the record,
21 but you, you are not aware of this beforehand
22 or for any other reason?
23 THE WITNESS: That's correct.
24 DR. BELL: Word of mouth or
25 something like that?

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1 Okay. That's the main
2 question I had to ask you. Thank you.
3 Thank you, Mr. Chair.
4 THE CHAIRPERSON: Mr. Ashton.
5 MR. ASHTON: Just in time.
6 THE CHAIRPERSON: You arrived
7 just in time.
8 MR. ASHTON: Thank you.
9 Mr. Ainsworth, Mr. Maxson,
10 forgive me for being late. I had another
11 commitment I wanted to try and satisfy a
12 little bit. And if I ask a question that's
13 already been answered, Mr. Ainsworth, you can
14 always yell "asked and answered." I won't
15 take any offense at that.
16 MR. AINSWORTH: Not at all.
17 I'm happy to let you take it.
18 MR. ASHTON: I assume, Mr.
19 Maxson, that you have read the transcript to
20 date on this hearing?
21 THE WITNESS: Yes, I have.
22 MR. ASHTON: As I read your
23 report, which I think it's dated April 17th,
24 if I remember right, the first paragraph or
25 first sentence that caught my eye was, quote,

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1 The proposed tower is not the result of
2 careful network planning and instead is an
3 opportunistic site that went looking for a
4 carrier.
5 Isn't that generally true in
6 Connecticut? You can do only so much network
7 planning. You have your areas that are
8 devoid of service, but aren't you subject to
9 the whims of a property owner as to whether
10 or not you can get a satisfactory site?
11 THE WITNESS: I think those
12 are two separate questions.
13 Yes, you're certainly always
14 subject to the interests of landowners as to
15 whether you can establish a lease in a
16 particular site within a search area.
17 What -- it strikes me that, in
18 this particular case, it does not seem to
19 have been a wireless company driving the
20 selection of the site, that the definition of
21 the need seems to be somewhat circular in
22 logic that this proposed facility will
23 provide a whole lot of coverage; therefore,
24 the coverage area that this proposed facility
25 will provide is the coverage area that we

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1 need.
2 And I think, if you were to
3 look at this in terms of a company trying to
4 get coverage that overlaps with existing
5 coverage to provide handoffs in a methodical
6 way, that rather than seeing something stuck
7 on the ridge of opportunity, more planning
8 might have gone into it if it were driven by
9 a carrier rather than by a site developer.
10 MR. ASHTON: That's an opinion
11 rather than fact base. Is that fair to say?
12 THE WITNESS: That's fair to
13 say, yes.
14 MR. ASHTON: Okay. And you
15 are aware, for example, that the high school
16 is off limits for a cell tower?
17 THE WITNESS: I am not aware
18 of that.
19 MR. ASHTON: You did read the
20 town transcript?
21 THE WITNESS: I did, and
22 perhaps you could cite it, if you'd like me
23 to comment on it.
24 MR. ASHTON: Are you aware
25 that, under Connecticut law, there is a

1 priority placed on aggregating carriers on a
2 single structure rather than having them
3 proliferate all over the lot?
4 THE WITNESS: I am aware of
5 that.
6 MR. ASHTON: Okay.
7 THE WITNESS: I believe its
8 intention with the other aspects of siting
9 wireless facilities that have to do with the
10 visual and other impacts of the facilities.
11 MR. ASHTON: Okay. "Evidence
12 of the purported benefits" -- I'm reading
13 again -- "evidence on the purported benefits
14 to emergency communication consists of vague,
15 unsubstantiated statements."
16 Do you feel that the testimony
17 of the people from Ridgefield is vague and
18 unsubstantiated?
19 THE WITNESS: I'm referring
20 specifically to the testimony of the
21 gentleman who is speaking on behalf of or
22 with respect to his experience with the
23 emergency communications services, that he --
24 it was not a radio communications engineer
25 and that he was reporting information, but

1 there was no substantive evidence to support
2 his testimony.
3 MR. ASHTON: Do you have to be
4 a radio communications engineer to determine
5 there is no available service at a certain
6 point?
7 THE WITNESS: No.
8 MR. ASHTON: Thank you.
9 You would prefer a flagpole by
10 your testimony that I heard this afternoon.
11 Is that correct? Is there going to be a
12 system on the site?
13 THE WITNESS: I would rephrase
14 that slightly. I -- I don't think my
15 preferences weigh into this. It's my
16 experience that a flagpole-style tower, a
17 unipole, as it's sometimes called, is among
18 the least objectionable types of designs in
19 many circumstances.
20 MR. ASHTON: And would that
21 facility allow additional carriers going on
22 the same structure or be a general hindrance
23 for other carriers going on the same
24 structure?
25 THE WITNESS: It would depend

1 on the amount of clearance above the treeline
2 as to how many carriers the unipole could
3 support, but it would support additional
4 carriers.
5 MR. ASHTON: We can agree on
6 that. For a given height --
7 THE WITNESS: Yes.
8 MR. ASHTON: Is my statement
9 correct?
10 THE WITNESS: For A given
11 height, could you repeat that statement,
12 please?
13 MR. ASHTON: For a given
14 height, would a flagpole with internal arrays
15 facilitate being neutral or be a hindrance to
16 the addition of other carriers?
17 THE WITNESS: It would not be
18 hindrance to the addition of other carriers.
19 MR. ASHTON: If they require
20 two levels to meet their requirements, would
21 that be a hindrance?
22 THE WITNESS: It would reduce
23 the number of carriers that the structure
24 could support, but I don't consider it to be
25 a hindrance to the addition of the

1 additional carriers.
2 MR. ASHTON: All right. I'll
3 let your testimony speak for itself on that
4 case.
5 You would reduce the visual
6 effect by pulling the antennas in close to
7 the pole being a flush mount. Is that fair
8 to say?
9 THE WITNESS: Either a flush
10 mount or a concealed mount of some kind, yes.
11 MR. ASHTON: Well, okay. Just
12 a flush mount, I think, was what you were
13 talking about at that instance. Would a
14 flush mount be acceptable more or less than a
15 flagpole with the internal mounted carriers?
16 And if so, why, why not?
17 THE WITNESS: In my
18 experience, it really depends on the context
19 of the situation, and I gave two examples,
20 one of a flush mount and one of a flagpole
21 mount. In general, the presence of a clean
22 architectural line is -- tends to be less
23 objectionable than even a flush mount, which
24 has some articulation and visual mass to it.
25 MR. ASHTON: Even if it

1 required a much thicker, fatter pole?
2 THE WITNESS: If which
3 required a much thicker, fatter pole?
4 MR. ASHTON: A flagpole with
5 internal mounting would or would not require
6 a larger diameter structure than a flush
7 mount?
8 THE WITNESS: Typically, if
9 you're doing flush mount, the structure is of
10 a certain diameter, and the antennas will
11 extend from that a certain diameter. And
12 then with the concealed flagpole approach,
13 the structure is inside the cover.
14 MR. ASHTON: Right. And it's
15 the same diameter as a flush mount. Isn't
16 it?
17 THE WITNESS: And so the cover
18 would be approximately the same diameter as
19 the antennas on the flush mount.
20 MR. ASHTON: Don't you have to
21 have a whole working clearance inside there?
22 THE WITNESS: The covers come
23 off in order to do work on them.
24 MR. ASHTON: Okay. Do you
25 give safety any credence in your preferences

1 for structures, safety of the workmen for
2 example, who have to replace, repair, modify,
3 whatever?
4 THE WITNESS: I rely on
5 standards and best practices. So if
6 something can be done and meet the standards
7 and best practices, that is sufficient. And
8 concealed antenna poles, flush mount poles
9 and standard antenna mounts can all be
10 installed and maintained using best
11 practices.
12 MR. ASHTON: I use the word
13 "safety." I didn't hear the word "safety" in
14 your response. I heard "best practices." I
15 didn't hear "safety."
16 THE WITNESS: With respect to
17 safety, those are the best practices I'm
18 talking about, yes.
19 MR. ASHTON: Nothing further.
20 Thank you, Mr. Chairman.
21 THE CHAIRPERSON: I see
22 attorney -- and we'll now go to
23 cross-examination by the Applicant Attorney
24 Fisher.
25 CROSS-EXAMINATION

1 MR. FISHER: Good afternoon.
2 THE WITNESS: Good afternoon.
3 MR. FISHER: I do have some
4 questions. I'll try to take them in some
5 order. Do you recall your testimony for the
6 Town of Branford? It was Siting Council
7 Docket 427. It was the Short Beach area of
8 town.
9 THE WITNESS: I recall I had
10 testimony and provided information to the
11 Town. I certainly don't have it memorized.
12 MR. FISHER: Sure. And my
13 question is fairly straightforward on this.
14 Since the time of that testimony, which was a
15 couple years ago, your academic, your
16 professional experience, your certifications
17 haven't materially changed since that time,
18 have they?
19 THE WITNESS: What year are we
20 talking about?
21 MR. FISHER: Docket 427, I
22 think 2011, 2012.
23 THE WITNESS: In terms of if
24 your asking about academics and professional
25 certifications, I would say no, but of course

1 my experience has continued since then.
2 MR. FISHER: Sure. Okay. And
3 do you recall in that docket we had a fairly
4 lengthy discussion and examination about
5 unipoles, as you've describe them?
6 THE WITNESS: Yes.
7 MR. FISHER: Okay. All right.
8 I'm going to move on. Did you see, in the
9 application submitted in this particular
10 docket at the very beginning, page 1, that an
11 AT&T search ring was issued about six years
12 ago. Did you see that in the application?
13 THE WITNESS: I saw a general
14 statement that AT&T had issued a search ring
15 a substantial time ago. I didn't recall any
16 particular date being associated with it.
17 MR. FISHER: Did you read in
18 the application the discussion about AT&T
19 actually talking to the town first selectman?
20 THE WITNESS: I recall some
21 talk on that, yes.
22 MR. FISHER: So when AT&T met
23 with the first selectman in about 2009, you
24 saw in the application that they talked about
25 a number of different potential site

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1 locations. Isn't that true?
2 THE WITNESS: Yes.
3 MR. FISHER: And many of those
4 site locations actually had nothing to do
5 with this ridgeline, did they not?
6 THE WITNESS: Yes.
7 MR. FISHER: So AT&T talked
8 with the Town about schools, golf courses,
9 other properties the Town may suggest as
10 private properties. Worcester Mountain, I
11 think, was even mentioned, which is south of
12 this location. Is that correct?
13 THE WITNESS: You're going
14 into details I don't specifically recall, but
15 in general I recall some discussion on the
16 topic.
17 MR. FISHER: But you don't
18 have any knowledge yourself to suggest that
19 AT&T didn't, in fact, have those meetings in
20 2009 and '10?
21 THE WITNESS: I do not.
22 MR. FISHER: And did you see
23 in the application that Homeland Towers
24 actually had their own independent site
25 search?

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1 THE WITNESS: And what do you
2 mean by "independent site search"?
3 MR. FISHER: That they,
4 independent of AT&T and the Town had
5 conducted their own search for sites in this
6 particular area of town?
7 THE WITNESS: Yes.
8 MR. FISHER: And did you, when
9 you reviewed the application and first got
10 it, in Section 2 did you look at all the
11 lists of sites that Homeland had
12 investigated?
13 THE WITNESS: Yes.
14 MR. FISHER: And did you see
15 that numerous of those sites are not on this
16 ridge?
17 THE WITNESS: Yes.
18 MR. FISHER: And that was well
19 before the Town came up with its own proposal
20 in 2011. Isn't that correct?
21 THE WITNESS: You're referring
22 to the request for proposals that the Town
23 issued?
24 MR. FISHER: Yes, so the site
25 searches that AT&T and Homeland conducted

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1 were before that time?
2 THE WITNESS: Yes, and it's my
3 understanding that AT&T, for a time, did not
4 have any active search rings in the area as
5 well.
6 MR. FISHER: Where is that
7 information from?
8 THE WITNESS: Part of my
9 conversations with AT&T. When I called them
10 at the time of the RFP, they were not
11 actively seeking a site.
12 MR. FISHER: Who did you talk
13 to?
14 THE WITNESS: I would have to
15 get the name from my records.
16 MR. FISHER: So you don't know
17 who you spoke with?
18 THE WITNESS: I don't recall
19 who I spoke with.
20 MR. FISHER: Is it someone who
21 has responsibility for the Connecticut
22 marketplace?
23 THE WITNESS: Yes.
24 MR. FISHER: Site search
25 acquisition personnel? Consultant? An

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1 in-house employee?
2 THE WITNESS: As I said, I
3 don't recall. I'd have to check it.
4 MR. FISHER: Let me ask you a
5 question. You've represented municipalities
6 and parties that are opposed to towers, have
7 you not?
8 THE WITNESS: Among others,
9 yes.
10 MR. FISHER: Why do you think
11 AT&T would actually respond to that inquiry
12 that you had?
13 THE WITNESS: I'm sorry.
14 Respond to?
15 MR. FISHER: Well, why would
16 AT&T give you information about their search
17 rings? Just you called someone up, you don't
18 recall who, and they said they didn't have
19 search rings in the area?
20 THE WITNESS: Well, I have a
21 working relationship with the wireless, many
22 representatives of the wireless company. I
23 often interact with them on various
24 opportunities. I bring opportunities to them
25 if I identify a site that might be of

1 interest to them. I do things to facilitate
2 the development of wireless facilities. I'm
3 not just someone who represents intervenors.

4 And, in that relationship,
5 it's easy to place a couple phone calls and
6 speak to individuals who have
7 responsibilities in particular areas.

8 MR. FISHER: Okay, but you
9 don't recall, in this case, who you spoke to?

10 THE WITNESS: That's correct.

11 MR. FISHER: Okay. You
12 mentioned -- and I think one of the Council
13 members asked you about your statement in
14 your report from April 2014, that this was an
15 opportunistic site that went looking for a
16 carrier. Isn't it true, based on the
17 conversation we just had, that the carrier
18 came first in this instance?

19 THE WITNESS: The carrier came
20 and went.

21 MR. FISHER: Based on someone
22 you don't recall having spoken with at AT&T?

23 THE WITNESS: Yes and other
24 conversations in that time.

25 MR. FISHER: The truth is you

1 MR. FISHER: Did you go on any
2 of the site visits that the Town had as part
3 of its RFP process?

4 THE WITNESS: Yes.

5 MR. FISHER: Okay. So you're
6 familiar with where that tower location had
7 been proposed by the Town?

8 THE WITNESS: Yes.

9 MR. FISHER: And that was, in
10 fact, further up the slope from the location
11 currently under consideration by the Council.
12 Isn't that true?

13 THE WITNESS: In terms of
14 elevation?

15 MR. FISHER: Yes.

16 THE WITNESS: Yes.

17 MR. FISHER: So it was closer
18 to the residents who are on Old Stagecoach
19 and Aspen Ledges. Correct?

20 THE WITNESS: I haven't done
21 an actual one-for-one comparison and measured
22 distances to the residences. In a general
23 sense it -- it may have been in one
24 particular direction closer, yeah.

25 MR. FISHER: More on top of

1 really don't know whether this search ring
2 came and went. You're just saying that.

3 THE WITNESS: That's not the
4 truth. That's an incorrect statement.

5 MR. FISHER: You do
6 acknowledge that the site started with AT&T,
7 though?

8 THE WITNESS: I don't know
9 that.

10 MR. FISHER: Let's move ahead.
11 Okay? How about 2011, when did you first
12 become aware that the Town had an RFP?

13 THE WITNESS: I'm not
14 recalling exactly how I became aware of it,
15 whether it was through my -- my businesses'
16 survey of requests for proposals or whether
17 it was something someone had mentioned to me.

18 MR. FISHER: But you,
19 obviously, received a copy of the RFP the
20 Town had issued, evaluated and decided you
21 wanted to submit a proposal. Correct.

22 THE WITNESS: That's correct.

23 MR. FISHER: And you did, in
24 fact, submit a proposal?

25 THE WITNESS: I did.

1 the ridge?

2 THE WITNESS: At a higher
3 elevation.

4 MR. FISHER: Okay. So when
5 you had those conversations with the Town as
6 part of the RFP process, did you talk to the
7 Town at all about their public safety
8 communications needs?

9 THE WITNESS: No, I did not.
10 I was simply responding to the content and
11 context of the request for proposals.

12 MR. FISHER: You wouldn't have
13 responded to the RFP if you didn't think
14 there was a need for cellular service in this
15 area, would you have?

16 THE WITNESS: Yes, that's a
17 fair statement.

18 MR. FISHER: So at the time of
19 the RFP, you did some of your own coverage
20 modeling to look at that particular town
21 location and determine whether you thought it
22 was a good location or not for service?

23 THE WITNESS: Yes, on the
24 assumption that because the Town was offering
25 it as a potential location, that it was

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1 something that the community was behind.
2 MR. FISHER: So, at that time,
3 you thought that project had some merit, and
4 you were willing to spend the time and
5 resources to pursue it further as isotrope.
6 Is that correct?
7 THE WITNESS: That's correct.
8 MR. FISHER: Let's assume for
9 the moment you were the successful bidder in
10 response to the RFP and the project was
11 approved at town meeting, you'd be in front
12 of this Council as the applicant for that
13 site, would you not?
14 THE WITNESS: It's possible,
15 yes.
16 MR. FISHER: Well, you would
17 have had a contractual obligation, wouldn't
18 you, with the Town to present the tower to
19 the Siting Council?
20 THE WITNESS: To the extent
21 that what was being proposed meets the
22 criteria for standing before the Council,
23 yes.
24 MR. FISHER: Well, and as part
25 of that you would have called this person

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1 that you apparently called, again, and said,
2 are you interested in using the facility,
3 would you have not? With AT&T, would you
4 have had that conversation?
5 THE WITNESS: Yes.
6 MR. FISHER: In fact that was
7 part of the RFP content that someone who won
8 that RFP would go out and actually talk to
9 the carriers and try to coordinate their
10 efforts. Is that correct?
11 THE WITNESS: Yeah, sure.
12 MR. FISHER: And you would
13 have talked to maybe the Town's
14 communications task force, their utility
15 consultants, Motorola maybe, to talk about
16 what their needs might be as well. Right?
17 THE WITNESS: In -- I would
18 have done that in what context?
19 MR. FISHER: In the context of
20 being the winning bidder on an RFP.
21 THE WITNESS:
22 Potentially. Since I wasn't
23 proposing to develop a really tall cell tower
24 that could support other kinds of antennas, I
25 was not focused on addressing any public

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1 safety communications issues.
2 MR. FISHER: But didn't the
3 RFP itself say that there had to be space
4 reserved on any potential tower for public
5 safety purposes?
6 THE WITNESS: It may have,
7 yes.
8 MR. FISHER: So the Town was
9 looking for someone to develop a tower site
10 for cellular and public safety purposes. You
11 would have coordinated with those entities of
12 course. Right?
13 THE WITNESS: The Town was
14 still looking to develop a tower site for
15 cellular services, and it's customary for
16 towns to put in something additional that
17 says, and we'd like to be able to put our
18 antennas on the tower as well. That does not
19 imply that there is any plan or coordination
20 necessary until the Town is ready to utilize
21 the tower.
22 MR. FISHER: But you have
23 heard that the Town has been planning for
24 this for quite some time and has a task force
25 and been looking into their own

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1 communications needs, have you not?
2 THE WITNESS: In 2011, when I
3 responded to the RFP? No.
4 MR. FISHER: 2012?
5 THE WITNESS: What I was aware
6 of was contained in the RFP, so if there was
7 any discussion in there, then that would be
8 it.
9 MR. FISHER: Okay. You
10 weren't the successful bidder on the RFP,
11 though. Is that correct?
12 THE WITNESS: That's correct.
13 MR. FISHER: Did you ever talk
14 to the Town after their decision on the RFP
15 as to why that was the case?
16 THE WITNESS: I did not.
17 MR. FISHER: So you don't know
18 if your proposal was rejected based on your
19 qualifications, the site design or the
20 economics you were willing to pay for
21 developing a tower site on that property?
22 THE WITNESS: The only thing I
23 know is something that I read, which was that
24 my proposal consisted of three, quote/unquote
25 -- quote/unquote, three towers, which I was

1 talking about placing utility poles with an
2 antenna on top of each in a way that would be
3 really close to the treeline and very, very
4 invisible.
5 MR. FISHER: Was that
6 something that you read in the newspaper?
7 THE WITNESS: It may have been
8 the newspaper. It may have been some other
9 document that I may have -- I just don't
10 recall.
11 MR. FISHER: Okay. Since
12 2011, when the Town had the RFP, which we all
13 acknowledge the town meeting voted not to
14 proceed on, have you conducted any further
15 site searches yourself in this particular
16 area to develop a tower site?
17 THE WITNESS: No. Once I, you
18 know, it was determined that I was not going
19 to be a party to the RFP that had been issued
20 and the RFP was then never, for want of a
21 better word, fully consummated, I didn't
22 pursue anything any further.
23 MR. FISHER: Let's move ahead
24 to this application which was filed 2014.
25 When were you contacted by Attorney Ainsworth

1 or representatives of RACT to consult for
2 them?
3 THE WITNESS:
4 Certainly sometime after the
5 application was filed, but I don't recall
6 exactly when.
7 MR. FISHER: So after it was
8 on file. So it would have been 2014 then at
9 some point?
10 THE WITNESS: I would expect
11 so, yes.
12 MR. FISHER: And as part of
13 your report from April of 2014, you suggested
14 various alternative tower sites for the Town
15 and the carriers to provide their service.
16 That's been part of your testimony to the
17 Council. Is that not right?
18 THE WITNESS: Yes. I tend to
19 bring up alternatives as illustrations of
20 other ways to skin the cat, so to speak, but
21 they're not specifically proposals, but
22 illustrations and suggestions.
23 MR. FISHER: Well, you used
24 the analogy before, checkers. That sounds a
25 little bit more like you're kind of just

1 throwing darts at a dartboard if they're just
2 hypotheticals. So you don't have any
3 specific knowledge that the Town would
4 entertain the concept of a tower at a school?
5 THE WITNESS: I have no
6 information that would suggest that the Town
7 would be opposed to it.
8 MR. FISHER: Well, I think we
9 just established in an earlier question that
10 you read the transcripts. Did you not see
11 some of the testimony earlier by the
12 Applicants and others that the Town is, in
13 fact, not interested in leasing school sites
14 for towers?
15 THE WITNESS: Has the town
16 meeting spoken on it? I don't believe so.
17 MR. FISHER: How would one get
18 to a town meeting on that question?
19 THE WITNESS: By a process,
20 which in Connecticut I'm not entirely
21 familiar with, but --
22 MR. FISHER: Well, assuming
23 the process was that you spoke to the first
24 selectman and he was, in fact, interested in
25 pursuing the concept, somebody would develop

1 the concept further, I assume, and put it in
2 on a few different agendas. And at some
3 point you'd have a discussion at a town
4 meeting, is your point of view?
5 THE WITNESS: Right.
6 MR. FISHER: Did you ever
7 write the Town, suggest to the Town, as part
8 of this application process, that they do
9 that and consider school sites?
10 THE WITNESS: No.
11 MR. FISHER: Okay. Do you
12 have any other site-specific property that
13 you're suggesting be studied as an
14 alternative site?
15 THE WITNESS: That question is
16 not clear to me. Could you restate it?
17 MR. FISHER: Well, you
18 generally testified that in your theory, the
19 tower should be sited on either side of the
20 ridge, at least two, maybe more depending on
21 who's testifying. Have you looked at any
22 specific properties, other than you mentioned
23 Barlow Mountain and the high school, for that
24 kind of development to occur?
25 THE WITNESS: No.

1 MR. FISHER: You're aware
2 generally of RACT's membership and where they
3 live. Are you not?
4 THE WITNESS: Not
5 specifically. I understand that there are
6 members who live in the neighborhood near the
7 proposed tower.
8 MR. FISHER: To the north of
9 the tower. Isn't that correct?
10 THE WITNESS: Well, there is
11 nothing immediately to the south of the
12 tower, so that's the neighborhood, yes.
13 MR. FISHER: Well, when you
14 say nothing immediately to the south, there
15 are houses to the south of the tower site,
16 are there not?
17 THE WITNESS: Of course.
18 MR. FISHER: So RACT
19 membership, to your knowledge, is basically
20 the neighborhood that's to the north of the
21 tower site?
22 THE WITNESS: I have not
23 looked at the membership list. I have not
24 looked at their addresses. I don't know.
25 MR. FISHER: But they're who

1 your representing here today. It's their
2 interest. Is that not right?
3 THE WITNESS: I'm speaking
4 here on behalf of RACT, yes.
5 MR. FISHER: Okay. Let's talk
6 about tower height a little bit. If the
7 tower in this specific location, as proposed,
8 is lowered, doesn't that affect the service
9 to the north from the site. Isn't that what
10 you were explaining to Mr. Martin in response
11 to some cross-examination?
12 THE WITNESS: Yes.
13 MR. FISHER: Have you looked
14 at the visuals that have been done for
15 purposes of the tower, as proposed, is
16 150 feet in height to the neighborhood to the
17 north?
18 THE WITNESS: Yes.
19 MR. FISHER: And in reviewing
20 some of the transcripts and testimony, did
21 you see that, at least the Applicant's expert
22 believes that the impact is very limited, if
23 at all, to that neighborhood?
24 THE WITNESS: Okay.
25 MR. FISHER: Doesn't, by

1 lowering the tower height, not only reduce
2 coverage, but have no real impact then on the
3 visibility from that area of the community?
4 THE WITNESS: I think it
5 really depends on the context. Since I have
6 been up to that site and looked out from it
7 and I have also seen photographs from
8 residents' property of the balloon test, the
9 height, it's downhill and the height
10 reduction would have to be fairly substantial
11 to bring it close to the treeline or for it
12 to really minimize the -- the effect that
13 the --
14 MR. FISHER: But the property
15 to the north, that may not matter at all. It
16 could be 150 feet. It could be 80 feet. It
17 may not make a difference visually?
18 THE WITNESS: That's what I'm
19 just saying. I think it would make a big
20 difference visually.
21 MR. FISHER: You believe it
22 would make a big difference?
23 THE WITNESS: I do.
24 MR. FISHER: What do you base
25 that on?

1 THE WITNESS: As I just
2 described.
3 MR. FISHER: Just your general
4 visits to the site?
5 THE WITNESS: And photographs
6 I've seen of the balloon test.
7 MR. FISHER: So what happens
8 if, under your theory, the tower is
9 shortened; you said that there would have to
10 be a tower to the north then somewhere?
11 THE WITNESS: Yes. I said
12 that in the Ridgebury area, that the -- the
13 location of an additional facility to serve
14 Ridgebury would have to be considered.
15 And my point, as I testified
16 earlier was that the proposed tower does not
17 completely serve the Ridgebury area anyway.
18 MR. FISHER: But under your
19 theory you could then end up with a tower, we
20 don't know where, on the north side of this
21 ridge that's actually more impactful to RACT
22 members?
23 THE WITNESS: I would not
24 suggest the north side of the ridge. I would
25 suggest the Ridgebury area which is north of

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1 the ridge.
2 MR. FISHER: By Ridgebury
3 Elementary School, something like that?
4 THE WITNESS:
5 Perhaps, or -- or further
6 north of Ridgebury Road.
7 MR. FISHER: So that would be
8 a second tower to some neighborhood to the
9 north?
10 THE WITNESS: Which second
11 tower to some neighborhood in the north
12 appears to be necessary anyway because the
13 proposed facility does not fully serve the
14 Ridgebury area.
15 MR. FISHER: Your opinion?
16 THE WITNESS: The Applicant's
17 coverage map shows that the proposed facility
18 does not serve the entire Ridgebury area.
19 MR. FISHER: Actually, that's
20 what your coverage map shows, not what the
21 applicants' shows. Right?
22 THE WITNESS: I disagree.
23 MR. FISHER: Okay. But on
24 your theory, a tower of some height would
25 have to be built in a residential

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1 neighborhood north of where RACT lives. Is
2 that correct?
3 THE WITNESS: It's very
4 likely, yes.
5 MR. FISHER: Just a couple of
6 follow-up questions with respect to your May
7 report with regard to the Town's public
8 safety network and their planning.
9 Did you, after the April
10 hearing and having reviewed the transcripts
11 of Mr. Aaron's testimony, did you reach out
12 to Mr. Aarons and talk to him at all?
13 THE WITNESS: No.
14 MR. FISHER: Did you reach out
15 to the town officials, Mr. Marconi, or anyone
16 else, to talk about what you believe might be
17 an alternative for the Town's public safety
18 network?
19 THE WITNESS: No.
20 MR. FISHER: You testified
21 earlier that you didn't have access to the
22 Town's task force communications report. Do
23 you know if Attorney Ainsworth asked for that
24 information from the Applicant or not?
25 THE WITNESS: Did I say I

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1 didn't have access to it.
2 MR. FISHER: I would have to
3 ask for the court reporter to report it, but
4 it seemed like you were saying you didn't
5 have access to it so that you couldn't review
6 it.
7 THE WITNESS: I am -- was
8 speaking specifically with respect to the
9 evidence on the record in this hearing and
10 suggesting that the evidence on the record in
11 this hearing is really quite vague with
12 respect to the public safety, the public
13 safety needs and how this particular tower
14 would -- would address those needs.
15 MR. FISHER: Did you tell
16 Attorney Ainsworth that as part of preparing
17 your May report?
18 THE WITNESS: I did make some
19 comments about it in my May report, if that's
20 my first report, yes.
21 MR. FISHER: That's your
22 second.
23 THE WITNESS: Oh, I'm sorry.
24 Second report.
25 MR. FISHER: On the public

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1 safety?
2 THE WITNESS: Yeah, certainly
3 he saw my report before it was published.
4 MR. FISHER: I guess my point
5 is RACT didn't ask the Applicant to provide
6 that information, get it from the Town. You
7 didn't submit a Freedom of Information
8 request to the Town. You simply prepared
9 this supplemental report that's somewhat
10 speculative about the Town's needs. Is it
11 not?
12 MR. AINSWORTH: Objection.
13 It's not our burden to prove that point.
14 It's the Applicant's burden.
15 MR. FISHER: I don't agree
16 that it's our burden of proof. I'm asking
17 questions of a witness.
18 THE WITNESS: Would you care
19 to ask the question again?
20 MR. FISHER: Your May report
21 that was somewhat critical of the Town and
22 how they've gone about planning their public
23 safety network needs. On behalf of RACT, you
24 didn't ask the Applicants to get you any
25 additional information that you say you

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1 hadn't reviewed and that you thought might be
2 important. You haven't followed up with the
3 Town?
4 THE WITNESS: Of course not.
5 What I'm trying to do here is to look at the
6 evidence on the record and give my factual
7 information about it and any opinions and
8 conclusions that result from that.
9 And I don't think that what's
10 on the record right now is anything that the
11 Council can rely on with respect to a
12 purported need, absolute need for this
13 proposed cell tower to address public
14 communication safety needs. Clearly, it will
15 provide some coverage for public safety
16 communications, but it -- it does not --
17 there's not a demonstration that this tower
18 is necessary for public safety
19 communications.
20 MR. FISHER: So you think that
21 Mr. Aarons and others in town should do more
22 work to satisfy you that it's needed?
23 THE WITNESS: I didn't say
24 that.
25 MR. FISHER: You haven't asked

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1 for additional information from the Town.
2 You've said it's not enough, but it seemingly
3 is just a position you're taking that, gee,
4 I'd like more information to review here.
5 MR. AINSWORTH: Objection.
6 Argumentative.
7 THE CHAIRPERSON: I would
8 sustain it because he's saying that they
9 didn't provide it. I don't think it's really
10 -- I think it just should be left at that. I
11 don't think to continue probing makes any
12 sense at this point.
13 MR. FISHER: Sure. Well,
14 let's move on. Let's go to some statements I
15 heard earlier you make about the Town's site
16 and then this proposed site.
17 I heard you say on
18 cross-examination that, based on the
19 information you had, you thought that the lot
20 on which this tower is proposed was
21 subdivided after the town meeting vote where
22 the Town's proposal for a tower on the
23 adjacent parcel was rejected. Is that your
24 belief?
25 THE WITNESS: I believe I did

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1 say that, yes.
2 MR. FISHER: Do you, or in
3 conversations with counsel, did you review a
4 title report? Have you looked at anything to
5 support that opinion?
6 THE WITNESS: I did not.
7 MR. FISHER: So -- and I think
8 you had mentioned that it was from press
9 reports and information sources. Were those
10 information sources your clients, members of
11 RACT?
12 THE WITNESS: It may have
13 been, yes.
14 MR. FISHER: Would it surprise
15 you that there was no subdivision and those
16 lots existed well before the 2011 town RFP?
17 THE WITNESS: If that's true,
18 then it's a misunderstanding on my part.
19 MR. FISHER: But, if that is
20 true that these lots have existed, that was a
21 condition known to the public and everybody
22 involved in 2011, was it not, when the town
23 was proposing the tower on the adjacent lot?
24 THE WITNESS: Yes.
25 MR. FISHER: So the potential

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1 of having a tower developed on this lot that
2 was not the subject of the Town's plan to
3 acquire this 28 acres has always existed.
4 Isn't that true?
5 THE WITNESS:
6 Assuming the foregoing
7 statements are true, yes.
8 MR. FISHER: Okay.
9 Thank you, Chairman. I have
10 no more questions.
11 THE CHAIRPERSON: Okay. Thank
12 you.
13 We're now going to have --
14 MR. AINSWORTH: One redirect,
15 if I may?
16 THE CHAIRPERSON: Sure.
17 MR. AINSWORTH: Just a single
18 question.
19 You were just asked about the
20 potential to develop this lot had already --
21 has always existed because the lots predated
22 the 2011 date in the RFP.
23 Are you aware of whether the
24 Town granted an easement that allowed the
25 property to be accessed following 2011?

1 THE WITNESS: I recall reading
2 about the easement. I don't recall as to
3 when it was implemented.
4 MR. AINSWORTH: Thank you.
5 THE CHAIRPERSON: Okay. Thank
6 you.
7 We're now going to have the
8 Applicant have their witnesses. We'll take a
9 five-minute break while you can readjust.
10 (Whereupon, the witness was
11 excused, a recess was taken from 2:13 p.m.
12 until 2:24 p.m.)
13 MICHAEL LAWTON,
14 MICHAEL LIBERTINE,
15 MANUEL VICENTE,
16 RAYMOND VERGATI,
17 having been previously duly sworn, were
18 examined and testify further on their
19 oaths as follows:
20 THE CHAIRPERSON: Okay. I'd
21 like to resume the meeting, proceed with the
22 appearance of the Applicant, Homeland Towers
23 and New Cingular Wireless.
24 I'm used to seeing Attorney
25 Fisher in the middle. He's seated in a seat

1 next to Mr. Libertine.
2 To verify there's a new
3 exhibit, I understand, marked as Roman
4 Numeral II, Item B15 and 16. So would you
5 please proceed and verify?
6 MR. FISHER: Yes, Chairman,
7 thank you.
8 Item Number 15, as shown in
9 the hearing program, is a supplemental
10 submission dated June 11th.
11 I would ask Mr. Libertine and
12 Mr. Vergati, did you and your firms prepare
13 or assist in the preparation and collect the
14 information that was provided in the
15 supplemental submission dated June 11th?
16 THE WITNESS (Libertine): This
17 is Mike Libertine. Yes.
18 THE WITNESS (Vergati): Ray
19 Vergati. Yes, I did.
20 MR. FISHER: And as it relates
21 to your testimony and information, is it true
22 and accurate to the best of your belief.
23 THE WITNESS (Libertine): Mike
24 Libertine. Yes.
25 THE WITNESS (Vergati): Ray

1 Vergati. Yes.
2 MR. FISHER: And do you adopt
3 the comments you've made in the submission as
4 your testimony here today.
5 THE WITNESS (Libertine): Mike
6 Libertine. Yes, I do.
7 THE WITNESS (Vergati): Ray
8 Vergati. Yes.
9 MR. FISHER: Chairman, we also
10 have Item 16, which we stylized at least as
11 prefiled rebuttal testimony. I can have
12 Mr. Libertine verify that now as well.
13 Mr. Libertine, did you prepare
14 Item Number 16 in a report dated June 13th of
15 2014?
16 THE WITNESS (Libertine): Yes,
17 I did.
18 MR. FISHER: And the purpose
19 of that report was as rebuttal testimony?
20 THE WITNESS (Libertine): Yes,
21 that's correct.
22 MR. FISHER: And do you have
23 any corrections or modifications to the
24 document at this time.
25 THE WITNESS (Libertine): No,

1 not at this time.
2 MR. FISHER: And is it true
3 and accurate to the best of your belief and
4 you adopt it as your rebuttal testimony?
5 THE WITNESS (Libertine): Yes.
6 MR. FISHER: Chairman, I would
7 ask that Items 15 and 16 be admitted into the
8 record.
9 THE CHAIRPERSON:
10 Mr. Ainsworth, do you object?
11 MR. AINSWORTH: No objection
12 here.
13 THE CHAIRPERSON: The exhibits
14 are admitted.
15 We will now begin
16 cross-examination starting with Mr. Martin,
17 and the cross-examination will be on this
18 additional material that has been submitted.
19 Thank you.
20 MR. MARTIN: Thank you
21 Mr. Chairman.
22 CROSS-EXAMINATION
23 MR. MARTIN: Mr. Libertine, on
24 your rebuttal testimony you -- what I gather,
25 you prefer a regular monopole versus a

1 monopine. That's your bottom line, is it
2 not?
3 THE WITNESS (Libertine): I
4 would say that's a fair representation. I
5 could certainly go on about it if you'd like
6 me to.
7 MR. MARTIN: That's all right.
8 THE CHAIRPERSON: It's not
9 necessary.
10 MR. MARTIN: And earlier
11 Dr. Klemens asked about painting, somehow, a
12 tower. Would a brown paint or pine-bark
13 cladding or some other kind of treatment help
14 to minimize the visual impact of a monopole
15 at this location?
16 THE WITNESS (Libertine): I
17 think if we're primarily concerned with
18 seasonal views that may extend to neighbors,
19 then painting probably does offer some
20 softening.
21 I think my preference would be
22 some type of an earth tone that would be
23 consistent with the matrix of the trees, the
24 trunks in the area, and I would include that
25 to include the antennas as well.

1 MR. MARTIN: And, in the
2 industry, are there different, I don't know,
3 camouflage patterns based upon the kinds of
4 trees that are surrounding a monopole that
5 are possible?
6 THE WITNESS (Libertine):
7 There are. I have not seen a
8 lot in true application. Typically, we often
9 see kind of a matte finish, brown, beige.
10 We've seen blue-sky finishes, that type of
11 thing. But certainly they're are
12 opportunities to do some type of a
13 camouflage, yes.
14 MR. MARTIN: Thank you.
15 Those are my questions,
16 Mr. Chairman.
17 THE CHAIRPERSON: We will now
18 proceed with questions by --
19 MR. MURPHY: I have no
20 questions, Mr. Chairman.
21 THE CHAIRPERSON: Mr. Ashton?
22 MR. ASHTON: If I might, just
23 clarify for me please. Mr. Martin used the
24 term "monopole." What is your definition of
25 a monopole? This is a single shaft structure

1 with or without platforms?
2 THE WITNESS (Libertine): The
3 monopole I would refer to is the actual
4 physical vertical structure. So we have
5 monopoles that can be, as we discovered --
6 you folks discussed a little bit earlier,
7 they can have full arrays on them. They can
8 have close-contact arrays. I think generally
9 speaking, when we talk about monopole, we're
10 talking about external antennas in a general
11 sense.
12 MR. ASHTON: Okay. As far as
13 camouflage goes, do you recommended
14 camouflage on this site?
15 THE WITNESS (Libertine): I
16 think there's been enough concern raised
17 that, for the benefit of folks, some form of
18 painting would probably work, and I don't
19 think that would be much of a detraction from
20 the longer-range views. I have concerns
21 about the bulk of a monopine in this
22 instance.
23 MR. ASHTON: I understand
24 that. I'm talking about just the monopole.
25 THE WITNESS (Libertine):

1 Uh-huh.
2 MR. ASHTON: Are you convinced
3 that camouflage is needed for that?
4 THE WITNESS (Libertine): I
5 wouldn't say I'm absolutely convinced, but I
6 think it's something that tends to make good
7 neighbors, if -- if possible. So I think
8 it's something that could certainly soften
9 the effect.
10 MR. ASHTON: A block party
11 makes good neighbors. Would you recommend a
12 block party or camouflage?
13 THE CHAIRPERSON: No need to
14 answer the question.
15 THE WITNESS (Libertine):
16 Thank you.
17 MR. MURPHY: So it may be
18 better, but it's not worse.
19 MR. ASHTON: Nothing further.
20 THE CHAIRPERSON: Mr. Hannon.
21 MR. HANNON: Thank you,
22 Mr. Chairman.
23 Seeing as how I can't find it
24 right now, I thought part of the report that
25 just came in with the prefiled rebuttal, it

1 also talked about the possibility of
2 landscaping. Can you go into a little more
3 detail on that? And I realize that may be on
4 adjacent property. So --
5 THE WITNESS (Libertine):
6 Correct.
7 MR. HANNON: So just trying to
8 get more clarification on that.
9 THE WITNESS (Libertine):
10 Sure. We did take a look at
11 some additional landscaping opportunities and
12 the challenge on the property, and actually
13 really the town property more so, to the
14 north and to the east of our site, it's very
15 cobbly there, very rocky. We have a lot of
16 roots already established there, some fairly
17 mature trees. So I had some concerns about
18 trying to do what would typically be done as
19 something along the property line.
20 In this case the concerns are
21 of the adjacent neighbors to both the north
22 and east. I have had discussions with the
23 Applicant, and they are willing to do some
24 form of landscaping on the adjacent
25 properties where I think it would be more

1 effective. I think it would be a lot more --
2 or excuse me. It would be a lot less
3 potential for damage to existing roots of the
4 trees that are there today. It might be a
5 more strategic planting scheme that could be
6 done. So I think there are benefits to doing
7 it there as opposed to trying to do it on our
8 property, or on the adjacent town property
9 where I just don't think we'd have that, that
10 benefit.
11 The only thing I do want to
12 clarify is that, in the discussions I've had,
13 I'm not sure that we, as the Applicant, would
14 want to be actually responsible for doing the
15 landscaping. I think it would be something
16 that would have to be worked out among all
17 the other parties, which I alluded to in my
18 memo. And I'm not sure what the specifics
19 are, but Ray, you want to add to that?
20 THE WITNESS (Vicente): Well,
21 actually, I'll add to that. I think in
22 looking at everything that's been submitted
23 and what's on the record and listening to
24 Mike and -- and reading his materials, when
25 you talk about mitigation, it's about, you

1 know, what's the most effective, what's the
2 most practical.
3 And I think for all the
4 reasons Mike just stated, if we're going to
5 do some sort of landscaping, the best benefit
6 would be on the neighboring properties
7 themselves. I think that makes a lot more
8 sense in my experience, and I agree with
9 Mike.
10 How we would approach that,
11 our concern would be long-term responsibility
12 for those plantings. It's on someone else's
13 property. We don't want to be in that
14 position. We don't know that it's
15 appropriate; however, we are willing to work
16 with those neighbors to fund the planting of
17 landscaping evergreen trees, whatever is most
18 appropriate, we're willing to work with them
19 on that.
20 And we think that that is
21 something that makes sense in this particular
22 situation. And when you look at what's --
23 what options are available to us, we're
24 concerned not to do something with good
25 intentions that actually has worse impacts.

1 So I think that that's really our position.
2 THE CHAIRPERSON: And we
3 should make it clear it's not something that
4 the Council can require or enforce.
5 Obviously, it can be an agreement between the
6 parties, which we certainly would not be
7 counter to, but it's not conditioned either
8 to require the placing of landscaping on
9 neighbors' properties or the issue of
10 maintenance. But that again, it has been
11 done in the past, but again, only through
12 agreements between the parties.
13 MR. HANNON: I have no other
14 questions.
15 THE CHAIRPERSON: Mr. Lynch?
16 MR. LYNCH: No questions,
17 Mr. Chairman.
18 THE CHAIRPERSON: Dr. Klemens?
19 DR. KLEMENS: Just a couple.
20 Going back to this part of the
21 problem with the monopine that has been noted
22 in -- in your letter was a note, green, hardy
23 and coniferous trees on that ridge. That's
24 correct?
25 THE WITNESS (Libertine):

1 That's -- yes, that's correct.
2 DR. KLEMENS: And that would
3 be consistent with the ridge's sort of dry
4 southerly exposure?
5 THE WITNESS (Libertine):
6 Certainly that's one of the
7 factors, yes.
8 DR. KLEMENS: And would you
9 consider that to be either further evidence
10 of the possibility of a lack of slimy
11 salamanders on that ridge?
12 THE WITNESS (Libertine): I'm
13 a little reluctant to speak to that area.
14 It's not really my area of expertise.
15 DR. KLEMENS: I understand.
16 Can you speak -- now this, concerning the
17 pole, I think we have sort of come to the
18 conclusion -- or sort of that painted brown
19 monopole, but we haven't really talked about
20 the antennas arrays. Could your objectives
21 be met with a monopole with flush mounted
22 antennas?
23 THE WITNESS (Libertine):
24 That's really an RF question
25 more than it is a visual. I would say

1 certainly anything that could be done to
2 bring in the horizontal array would certainly
3 help the views in terms of lessening that
4 bulk at the top of the tower.
5 DR. KLEMENS: How much will
6 that help the neighbors at Aspen Ledges and
7 Stagecoach?
8 THE WITNESS (Libertine): From
9 my perspective, I don't think that is going
10 to do a whole heck of a lot for those types
11 of close views. I think the primary close
12 views are going to be seen seasonally through
13 the trees and seeing more of the middle to
14 upper portion, but not necessarily, you know,
15 we're talking even at the ground level in
16 those neighbors' yards, even with the
17 differential, you're still talking about an
18 angle that is not necessarily something
19 that's in your normal viewscape. You --
20 you'd have to visually look up through the
21 trees to see that.
22 So painting them would
23 probably have the same effect as bringing
24 them in and painting them. I think where I'm
25 more concerned about some of the, what I'll

1 call the larger array units at the top, is
2 when you'll be seeing it from a further
3 distance from the site where you're looking
4 at the ridgeline where it does protrude above
5 the ridgeline.
6 DR. KLEMENS: So to mitigate
7 the views and to help both proximal and
8 distal views, probably the best thing from
9 the viewshed perspective would be a brown
10 painted, earth-colored painted pole with
11 flush mounted antennas. Because I think
12 we've gone through this whole thing of how
13 big an internally mounted pole has been since
14 Docket 442. Correct?
15 THE WITNESS (Libertine): In
16 an ideal world, if it worked for RF and they
17 could achieve their objectives and, you know,
18 all things being equal, I would agree with
19 that, absolutely.
20 DR. KLEMENS: Can we ask would
21 RF be able to give us an opinion now?
22 THE WITNESS (Lawton): Yes.
23 Generally in this, these days the tenor at
24 AT&T is away from the unipole, away from the
25 flagpole close mounted antennas. And the

1 reasons for that are a couple of things.
2 First of all, the -- as AT&T
3 tries to push more and more data and provide
4 faster and faster data services at higher
5 frequencies, one of the things that the
6 technology has changed, in the past sites
7 were built with all the radio equipment in a
8 hut or in a -- or maybe not in a hut -- maybe
9 mounted externally in cabinets at the base of
10 the tower, or somewhere within the building.
11 And those equipment cabinets
12 were connected to the antennas by coaxial
13 cable. And the newer technologies, LTE for
14 one specifically, but also UMTS, make use of
15 what's called "a remote radio head," and the
16 advantage of the remote radio head is that
17 the radio equipment can be placed on the
18 tower within 10 feet of the antenna, thus
19 mitigating the coaxial cable loss, which it's
20 replaced with fiber.
21 So instead of running a number
22 of large coax cables up the tower, usually
23 internally, sometimes externally, those are
24 replaced by a fiber and a DC run that
25 serves -- that connects to the radio head

1 that's at the top. By putting the radio head
2 at the top, you've removed a bunch of cable
3 loss. There's also advanced technologies
4 that, as LTE is deployed at 1900 and at WCS
5 frequencies, they'll be using four-branch
6 diversity. And four-branch diversity
7 requires four connections between the radio
8 equipment and the antenna itself at the high
9 end.

10 All the antennas that AT&T is
11 deploying right now serve both low band and
12 high band separately. So, as the technology
13 evolves and as people are looking to do more
14 and more with data and AT&T is required to
15 use those higher frequencies to provide data
16 services to their customers, there's more and
17 more pressure to place the radio equipment
18 closer to the antennas. And that's what's
19 driving the hesitancy to want to build a
20 unipole because the radio -- the radio head
21 can't be placed at the top of one of those,
22 because it's physically too large.

23 But where if you use a
24 platform the radio heads can be placed around
25 the outside of the pole within the platform,

1 and they're -- they're not seen.

2 So that's sort of a roundabout
3 answer to your question is that AT&T, the --
4 the historic answer has been that, in order
5 to replace a platform with 12 antennas, AT&T
6 would need more than one height. That
7 continues to be true, but there's an
8 additional complication that's becoming more
9 and more a reality that is making AT&T more
10 and more hesitant to want to deploy this type
11 of thing from the start.

12 However, as a last resort, as
13 in recent dockets, AT&T will do it if that's
14 the only available choice.

15 DR. KLEMENS: If by doing that
16 are we actually building a tower that is
17 almost obsolete when it's built?

18 THE WITNESS (Lawton): In a
19 way there is sort of an internal sort of
20 movement or initiative to review all towers
21 that are using not the full array, as we call
22 it, and to see if those towers need to be
23 replaced, too, with something that will be
24 more future proof, or if the actual tower
25 that's been placed is necessary in the long

1 term and the penalty of the inability to
2 locate the radio heads at the top is
3 something that, in that particular case, can
4 be lived with.

5 DR. KLEMENS: So, basically,
6 it's sort of a Hobson's choice. If it's
7 going to have basically a situation where we
8 can try to mitigate as much as we try to
9 mitigate visual impacts, we're actually
10 creating reduced efficiency at the tower?

11 THE WITNESS (Lawton): That's
12 correct.

13 THE CHAIRPERSON: It's called
14 balancing.

15 DR. KLEMENS: Balancing,
16 that's another way to call it.

17 THE CHAIRPERSON: Politically
18 more correct.

19 DR. KLEMENS: Politically more
20 correct? Okay. I'm not actually known for
21 being so politically correct, but I'll do my
22 best, Mr. Chairman.

23 THE WITNESS (Vicente):
24 Dr. Klemens, if I could also,
25 as a tower developer, address that question

1 as far as the flagpole design. Because I
2 think we see -- we see applications and we
3 work with all the carriers, and we're very
4 concerned about that design. And I think,
5 you know, your statement that it may be an
6 old or dying design is probably true.

7 Because when we -- just five
8 years ago we were designing for 3-foot
9 antennas, 4-foot antennas. The carriers are
10 using 8-foot antennas, and the additional
11 radio heads that are quite large. The idea
12 of putting that amount of equipment inside
13 the flagpole -- and we struggle with this in
14 other states when we're in front of their
15 zoning boards. It drives the height of the
16 structure up, and it absolutely minimizes the
17 potential for collocation.

18 So we have significant
19 concerns about that design since we don't
20 think that it can accommodate what the
21 carriers' needs are today and will be in the
22 future. So it's a concern for us as well.

23 DR. KLEMENS: I appreciate
24 that. I was not referring to it internally.
25 I was referring to externally mounted

1 antennas. Pretty much since Docket 442, I've
2 learned an awful lot about what happens with
3 the interior mounted antennas.

4 I have one other question
5 about the visual, because we really have two
6 sets of view stakeholders in this. We have
7 the proximal; we have the distals. And have
8 you ever considered a two-tone tower where
9 the lower part is painted to mitigate for the
10 near-term view and would the platforms on
11 that -- could be something that -- which is
12 you're saying it's going to be hard. You
13 have to look really up to see them from the
14 neighborhood, but they're going to see that
15 from other areas, so would it help to make
16 this a two-tone tower?

17 THE WITNESS (Libertine): It
18 could and I don't want to -- well, I'm going
19 to sound a little wishy-washy. I've seen
20 them done. And I've seen them done fairly
21 well. Given, under the right conditions on
22 the right day, they can look fabulous. If
23 you go with a sky-blue top, we're going to
24 get a fair amount of days where we have a
25 slate gray sky, and that can tend to jump out

1 a little bit more.

2 But your point is a good one,
3 and it's one that maybe should be considered
4 a little bit more because they can work. I
5 would be very concerned about what that top
6 color might be to kind of come up with
7 something that's a neutral enough color so as
8 not to create that contrast that you might
9 get depending upon the type of sky.

10 DR. KLEMENS: Well, I
11 certainly don't think sky blue would work,
12 but how about something in the off-white or
13 something that would blend more into a sky.
14 Isn't that less? Wouldn't that blend better
15 to have the white -- or not a bright,
16 brilliant white, but sort of a dull white.
17 Would that not blend better?

18 THE WITNESS (Vicente):
19 Dr. Klemens, we've actually done that a few
20 times, and we did it right over the border in
21 the Loughborough, New York. There's two
22 towers that we developed there, and we did
23 exactly that. At a certain height before the
24 tree canopy, we cut it off from a more earth
25 tone color at the base to a very, very light

1 blue, almost white.

2 And we feel that it worked
3 well in Loughborough. One is at the Vista
4 Fire Department, and the other one is on
5 Route 138 just before 684. We have the color
6 samples, and we could definitely provide some
7 information to this board because it is a
8 good question. It's a good thought, and we
9 have done it, and I think we've done it with
10 some success.

11 DR. KLEMENS: Thank you.
12 That's very responsive. I appreciate that.

13 Now there's one more question,
14 that I want to get into this transcript. I
15 looked at the point -- and Mr. Gustafson is
16 not here, but I noted in the fourth response
17 and using math, and I guess allows you,
18 Mr. Libertine, how many years ago was the
19 last bog turtle shell found in Fairfield
20 County?

21 THE WITNESS (Libertine): I
22 would have to refer back to him.

23 DR. KLEMENS: Please do. I'd
24 like to get it into the record, sir.

25 MR. FISHER: Based on the

1 literature, the most recent report was a
2 shell that was found in 1983.

3 DR. KLEMENS: So then I would
4 understand, you know, a shell could be there
5 years. We're talking about the last record
6 is more than three decades. Is that correct?

7 THE WITNESS (Libertine):
8 That's correct.

9 DR. KLEMENS: Thank you.
10 No further questions,

11 Mr. Chairman.

12 THE CHAIRPERSON: Thank you.
13 Dr. Bell?

14 DR. BELL: Thank you,
15 Mr. Chair.

16 I have a question about the
17 archaeological report. So the shovel test
18 locations are marked in that report on a
19 diagram, but they said they backfilled the
20 hole. So they do not identify where they did
21 the shovel tests on the ground?

22 THE WITNESS (Libertine): They
23 don't in the field, but they do, as you said,
24 they're depicted on a map.

25 DR. BELL: Okay. So we

1 wouldn't have been able to see them on our
2 field review?
3 THE WITNESS (Libertine): No,
4 not with the disturbance that is on that hole
5 in that area.
6 DR. BELL: Okay. On the
7 line-of-sight diagram that you did in your
8 supplemental material, there's one of them
9 that's a dotted -- it has a dotted line. So
10 you have yellow for possible to see and black
11 for not visible. But then there's one that's
12 a dotted line. So I wasn't sure whether that
13 meant you didn't know exactly because you
14 didn't field verify it?
15 THE WITNESS (Libertine): No.
16 That that's probably my bad for not having a
17 little bit better explanation in the legend.
18 What we tried to show is there's each view is
19 shown from the receptor location to the tower
20 that are clearly marked. But the -- there
21 they're actually shown in black and red, and
22 the black areas are areas where it's not
23 visible, and then the red depicts where it
24 would be visible from those locations
25 horizontally.

1 Below that what we try to show
2 is basically the same information on a
3 cutaway or vertical scale. Just to show what
4 the yellow dots are was just to get the -- I
5 was trying to get -- to give the read of the
6 idea that you're standing in the trees,
7 because when we had a solid line, it looked
8 like you were standing to one side of the
9 trees.
10 So all we were really trying
11 to depict there in the yellow dotted line was
12 to give the indication that you are among the
13 trees. We have to do a cutaway of the trees
14 in a certain swath or width, and that's all
15 that was trying -- that we were trying to
16 depict there. So it does not contradict or
17 give any other information other than this is
18 the -- this is the line of sight standing in
19 the location in the black dot looking up at
20 the top of the tower.
21 DR. BELL: Okay.
22 THE WITNESS (Libertine): So
23 the visual aspect is really in the aerial
24 photo above that particular diagram, and
25 that's what that's trying to show.

1 DR. BELL: Okay. Thank you.
2 A couple of RF questions.
3 Earlier I asked Mr. Maxson if he had seen the
4 report that was referred to by Mr. Aarons' in
5 his previous testimony. My question is, did
6 AT&T, did you specifically examine the
7 report?
8 THE WITNESS (Lawton): I did
9 not.
10 DR. BELL: So you talked it
11 over perhaps with Mr. Aarons or --
12 THE WITNESS (Lawton): No, in
13 fact, I didn't. I -- my -- I'm here to speak
14 about AT&T's RF needs. And as far as the
15 Town's RF needs, I'm not an expert on that.
16 DR. BELL: Okay. So I'll ask
17 you -- my other question did have to do with
18 the Town's RF needs, but it's kind of a
19 generic question. You may or may not know
20 the answer.
21 My understanding is that the
22 Town -- and much of Mr. Maxson's report
23 referred to the two-way type of radio that we
24 are kind of familiar with and the lay public
25 is familiar with. We have to have a

1 dedicated channel, that's my understanding.
2 Does that sound correct to you?
3 THE WITNESS (Lawton): I
4 believe it does.
5 DR. BELL: Okay. Now, what
6 you're moving towards as carriers, is of
7 course, LTE, we understand that, and the
8 public safety network called FirstNet, which
9 is the federal public safety network which is
10 being held out as a beacon, let's call it,
11 for the public safety groups.
12 What they're offering is LTE.
13 What they've chosen as their technology, if
14 you want to call it that, software technology
15 for the public safety network is LTE. Does
16 LTE provide for a dedicated channel?
17 THE WITNESS (Lawton): In a
18 way, yes. It is two-way communication. It's
19 essentially a channel pair. There's an
20 uplink channel which is used for the
21 communication between the user equipment,
22 whatever type of agreement that may be, and
23 the tower, and then a downlink channel which
24 is used for the communication between the
25 tower and the user's equipment.

1 But I, as far as the specifics
2 of the public safety's LTE flavor and their
3 technology, I -- I can't really speak to that
4 because I haven't done any reading on public
5 safety technology, quite frankly. I have a
6 whole lot to at AT&T.
7 DR. BELL: Okay. And just one
8 follow-up which may help or may be worse.
9 As I understand it, LTE allows
10 you to use different frequencies in the
11 course of establishing what you just
12 described as an uplink and a downlink. So
13 now I'm looking at the term "frequencies" as
14 opposed to my word use previously, "channel,"
15 or uplink or downlink, your words.
16 Does LTE allow you to dedicate
17 a frequency as opposed to skipping around to
18 different frequencies depending on what's
19 available within the whole network at any
20 given time. Do you see what I'm asking?
21 THE WITNESS (Lawton): No.
22 I'm afraid you've lost me. I'm sorry.
23 DR. BELL: All right. Then I
24 better not pursue it.
25 THE WITNESS (Lawton): Sorry.

1 DR. BELL: That's okay. Thank
2 you.
3 THE CHAIRPERSON: Mr. Martin,
4 do you have a --
5 MR. MARTIN: One last
6 question.
7 Mr. Lawton, could you give us
8 an idea of the comparative size between the
9 traditional coax cable and the newer
10 fiber-optic cable that they're using in
11 conjunction with the remote radio heads?
12 THE WITNESS (Lawton): Yeah,
13 the cable, coaxial cable, typically based on
14 length, can vary anywhere between -- for
15 this, for the wireless application it's
16 coaxial cable for all sorts of things -- but
17 typically the carriers would use anything
18 between a seven-eighths diameter and an inch
19 and five-eighths, sometimes two and a quarter
20 inch in rare cases. And typically it's
21 between seven-eighths and five-eighths, and
22 the fiber, the fiber cable is, you know, a
23 very small fiber cable.
24 MR. MARTIN: Is it? I guess,
25 we had them covered where the interior of the

1 monopole is filled up with coax and new
2 antennas can't go inside, the cables inside?
3 THE WITNESS (Lawton): That's
4 correct. And in fact, in my town, an
5 applicant came to the ZBA wishing to put
6 coaxial cables on the outside of the
7 monopole. And it's if -- eventually if
8 enough coax is used, the internal space will
9 fill up so that there will be nothing left.
10 Also you have to, in order to
11 add more coax, you have to pull it through,
12 and it becomes difficult as it gets more and
13 more full. So at that point the only
14 solution is to run -- run the coax on the
15 outside, where -- where it's not that main
16 driver toward going to fiber, but certainly
17 one of the advantages of using fiber is that
18 a lot more runs of fiber will fit in a given
19 monopole size than coax.
20 MR. ASHTON: Fiber may be
21 cheaper.
22 THE CHAIRPERSON: All right.
23 Mr. Lynch?
24 MR. LYNCH: Just one
25 follow-up, Mr. Lawton. There's also a

1 considerable difference in weight, is there
2 not?
3 THE WITNESS (Lawton): Between
4 coaxial and fiber, yes.
5 MR. LYNCH: Thank you.
6 THE CHAIRPERSON: Dr. Klemens.
7 DR. KLEMENS: I'm very
8 intrigued still by this two-tone concept. If
9 we were to do that, where would you -- and I
10 don't know if you have this data now -- where
11 would you turn from brown to the other color?
12 What is the tree canopy height more or less?
13 THE WITNESS (Libertine): I
14 would want probably to do a tree branch
15 survey on the site, but I'd say generally
16 we'd probably be thinking about doing
17 something in a 55 to 60-foot range as it
18 transitions above the canopy.
19 DR. KLEMENS: Fifty-five to
20 65?
21 THE WITNESS (Libertine):
22 Correct. We have taken
23 several measurements of trees on the north
24 and east side of the property. In this case,
25 I would also want to understand a little bit

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1 to our south. So as you look, because the
2 primary views, if there any are going to come
3 from that southern area, so we want to make
4 sure that we're just intercepting that
5 correctly as well. I'd say generally in
6 that, in that range. So a third of the tower
7 would probably be in the earth tone, and
8 two-thirds would likely be -- be whatever sky
9 effect that we would want to achieve.
10 DR. KLEMENS: Because it's --
11 you're dealing with, Mr. Vicente, is this is
12 a very similar habitat. I mean landscape
13 adjacent there. Loughborough in that
14 incidence, it's really very similar to
15 Ridgefield. It's ridge and valley, and if
16 it's, you're saying, working effectively at
17 those two towers, I think it's something I
18 hope you can consider.
19 THE WITNESS (Vicente): Yes.
20 And the heights that we did the break in
21 color of the two sites in Loughborough, I
22 think were approximately between 55 and 65
23 feet.
24 DR. KLEMENS: Thank you.
25 No further questions,

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1 Mr. Chairman.
2 THE CHAIRPERSON: Thank you.
3 We will now go to
4 cross-examination by Attorney Ainsworth.
5 CROSS-EXAMINATION
6 MR. AINSWORTH: Mr. Libertine,
7 you testified regarding the last bog turtle
8 shell found in Fairfield.
9 What's your degree in?
10 THE WITNESS (Libertine): My
11 degree is an environmental science and
12 business and communications.
13 MR. AINSWORTH: Ever study
14 herpetology and amphibians?
15 THE WITNESS (Lawton): No. I
16 made it very clear that I didn't want to
17 answer questions about the slimy salamander,
18 and I would prefer not to on the bog turtle
19 as well, but that's just a literature
20 citation.
21 MR. AINSWORTH: Did you review
22 that literature?
23 THE WITNESS (Libertine): I
24 did not. Mr. Gustafson did.
25 MR. AINSWORTH: Okay. So you

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1 don't know the source of that information?
2 THE WITNESS (Libertine): I
3 believe it's cited other than it was -- well,
4 the citation from the actual literature where
5 that particular discovery, who the source of
6 that discovery or that particular --
7 THE CHAIRPERSON: Excuse me.
8 I believe that's part of the record.
9 THE WITNESS (Libertine): It
10 is part of the record.
11 THE CHAIRPERSON: So the
12 citation is part of the record?
13 THE WITNESS (Libertine):
14 That's correct.
15 MR. AINSWORTH: Not typically
16 within your expertise to testify on such
17 things, is it?
18 THE WITNESS (Libertine): No.
19 I think I've made that clear.
20 MR. AINSWORTH: In the
21 supplemental filing you made with the visual
22 intersects, the maps behind, I guess tab --
23 or Exhibit 2 of the June 11th exhibit, you
24 have the, sort of the cross section with
25 various trees depicted in the yellow line.

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1 Do those trees correspond to actual trees in
2 the field?
3 THE WITNESS (Libertine): They
4 absolutely do. They are taken from a
5 combination of survey information we took on
6 the town property, and then they are actually
7 extracted from aerial photographs. So it's a
8 combination of those two particular effects.
9 MR. AINSWORTH: Okay. So
10 there, so you actually took the trees
11 precisely where they were located in the
12 field and located them on your diagram in the
13 same location?
14 THE WITNESS (Libertine): We
15 did for that cross section, yes.
16 MR. AINSWORTH: And did you do
17 it by type of tree as well?
18 THE WITNESS (Libertine): Not
19 in all cases. They're primarily -- and
20 actually, they were all deciduous trees. And
21 so we felt as though it was not necessary to
22 go and actually catalog each particular
23 species in each location.
24 MR. AINSWORTH: And the width
25 and height of the tree is also depicted in

1 your cross section accurately?
2 THE WITNESS (Libertine): No.
3 That's -- that's a representation. We're
4 talking about the -- the area that is the
5 illustration below the aerial photograph?
6 MR. AINSWORTH: Yes.
7 THE WITNESS (Libertine):
8 Those are just representations
9 of trees in full leaf, but they really do not
10 respond -- or they don't correspond
11 specifically to any given tree.
12 MR. AINSWORTH: And they don't
13 depict the branching patterns as they exist
14 on the individual trees?
15 THE WITNESS (Libertine): No,
16 they do not.
17 MR. AINSWORTH: And I noticed,
18 in your June 13th report, the shorter one,
19 the third paragraph you wrote, "In an effort
20 to demonstrate the lack of visibility and any
21 significant adverse visual impact on the
22 immediate neighborhood to the north,
23 All-Points Technology created the three
24 sightline profiles."
25 Isn't it true that you sought

1 out initially to demonstrate a lack of
2 visibility?
3 THE WITNESS (Libertine): That
4 is true, yes.
5 MR. AINSWORTH: Isn't normal
6 scientific procedure to have a theory and
7 then develop the evidence before you come to
8 the conclusion?
9 THE WITNESS (Libertine): I've
10 been on this site for the better part of a
11 year and a half, so I've seen it in all
12 seasons. I've already formed an opinion.
13 All we were trying to do here
14 was to depict the fact that we have a
15 significant amount of intervening deciduous
16 trees and that during this time of year when
17 the leaves are on the trees it essentially
18 creates a wall. And I also made it clear
19 that it's my opinion that that will change
20 somewhat when the leaves are off the trees.
21 There was no conscious effort,
22 on my part, to make it more than it was.
23 It's a representation to try to understand
24 there was a question from Doc Klemens that it
25 was unfortunate that we did not have shots

1 from that particular neighborhood. So I
2 wanted to at least -- I wanted to at least
3 provide some substantiating evidence for the
4 Council to consider, and that was really the
5 entire point of the effort.
6 MR. AINSWORTH: Did you go
7 out? Did you go back to the field to develop
8 this, these line-of-sight analyses that you
9 submitted on June 11?
10 THE WITNESS (Libertine): We
11 did from our property and the town property,
12 yes.
13 MR. AINSWORTH: When did you
14 approximately go?
15 THE WITNESS (Libertine): We
16 went the Saturday before this was written.
17 So -- I'm sorry. I don't have a calendar in
18 front of me. I want to say on or about June,
19 whatever the first weekend in June was.
20 MR. AINSWORTH: Okay. And you
21 were -- during the balloon flight, you didn't
22 have an opportunity to observe the balloon
23 from the neighboring property?
24 THE WITNESS (Libertine):
25 That's correct.

1 MR. AINSWORTH: It's also true
2 that you didn't ask the neighbors to see what
3 the view might look like?
4 THE WITNESS (Libertine): That
5 is correct.
6 MR. AINSWORTH: And when you
7 came back in the first weekend of June or the
8 week before you produced these line-of-sight
9 analyses, you didn't ask for permission to
10 verify it from those properties either?
11 THE WITNESS (Libertine):
12 That's correct.
13 MR. AINSWORTH: Initially, in
14 your testimony last time, you begin to sound
15 like you thought that a monopine would give
16 some relief to some of the near-view
17 stakeholders, and it seems today that that
18 testimony is entirely different?
19 THE WITNESS (Libertine):
20 That's your opinion. I do
21 believe a monopine, if we were talking about
22 a monopine in the right setting, and we
23 didn't have other considerations, certainly
24 it would create during the wintertime some
25 relief to nearby receptors through the trees,

1 absolutely. I said that last time, and I
2 still stand by that.
3 What I am trying to balance is
4 the fact we're not only looking at near range
5 views here. We're looking at the totality of
6 the facility and where it can be seen. And
7 when I take all of those considerations in,
8 my feeling is that something other than a
9 monopine would serve the community, as a
10 whole, better than just trying to accomplish
11 it to essentially deal with one or two
12 particular view lines.
13 MR. AINSWORTH: And a
14 discussion with your client regarding cost,
15 in between that testimony and this testimony,
16 had no impact on your testimony today?
17 THE WITNESS (Libertine): No.
18 Cost has no -- I -- I have no concern for
19 cost. Quite honestly, that's not my concern.
20 I'd also offer that some of
21 the techniques that are often employed for
22 stealthing, regardless of whether it's a tree
23 or whether it's going with an internal array
24 or whether it's painting and landscaping,
25 it's going to be costly. These are no cheap

1 facilities, even if it's regular CO going up
2 the standard monopole.
3 MR. AINSWORTH: And
4 approximately how much of the tower is above
5 the level of the houses at the top of the
6 ridge?
7 THE WITNESS (Libertine): On a
8 straight-line basis we're probably talking --
9 when you say the house, are you talking the
10 ground level at these homes?
11 MR. AINSWORTH: I guess let's
12 start at the ground level.
13 THE WITNESS (Libertine):
14 Probably in the range -- I
15 believe there's about an 80-foot differential
16 from the level of the entrance to our access.
17 So we'll call that the general level at the
18 top of the ridge there down to our ground
19 level.
20 So let's be conservative.
21 I -- the number was on the record last time.
22 I don't have that in front of me, but let's
23 say it's 75 feet. So we have another 75 feet
24 on top.
25 MR. AINSWORTH: And your

1 visual sightline analysis doesn't take into
2 account the viewpoint from someone looking
3 out of a window on a second story. Does it?
4 THE WITNESS (Libertine): No,
5 it does not.
6 MR. AINSWORTH: Now, there are
7 no coniferous trees on this ridge -- or few
8 coniferous trees on the ridge. There are
9 other types of stealth tree models that can
10 be produced other than the monopine, aren't
11 there?
12 THE WITNESS (Libertine): Sure.
13 MR. AINSWORTH: And wouldn't
14 one of those be also more compatible with the
15 kinds of trees you would find on the ridge?
16 THE WITNESS (Libertine):
17 Would they be compatible as a
18 matrix component of the forest there? Yes,
19 absolutely, but we'd still be talking about
20 some views that are significantly above the
21 treeline and would have some of the same
22 effect that a monopine would have, and that
23 would be some of my concern.
24 The other limitation with
25 doing deciduous trees -- and they are done.

1 You're absolutely correct, and I've seen --
2 I've seen photographs of several done both
3 that are shown as dead trees. So in other
4 words, they don't have any leaf
5 characteristics to them. And then I've seen
6 others where they actually do have faux
7 leaves on them as well. My concern is always
8 the bulk aspect.
9 If we were talking about
10 something that was peaking 10, 12, 15 feet
11 above the existing canopy, I think any kind
12 of tree in this case, even a coniferous
13 monopine, might work because, again you're
14 talking about something that's more or less
15 uniform heightwise from distant views, but we
16 have some locations here where we just --
17 that just can't be achieved, and that's my
18 concern with doing any type of a facility
19 that's going to have that type of a branching
20 pattern that's going to be wider on the
21 horizon.
22 MR. AINSWORTH: If you had all
23 of the licensed carriers in Connecticut on
24 this facility, how many carriers would that
25 be that might be for someone else as well?

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1 THE WITNESS (Libertine): I'm
2 aware of four that are active in the
3 commercial wireless industry.
4 MR. AINSWORTH: Okay. If you
5 had four carriers collocated on this
6 facility, would each of them have a platform
7 associated with it?
8 THE WITNESS (Libertine): I
9 can't speak for all the carriers, but my
10 guess is, in some capacity, they would have
11 multiple antennas. So yeah, it would involve
12 some type of platform or T-arm arrangement or
13 cage arrangement, yes.
14 MR. AINSWORTH: Okay. And so,
15 in your opinion, would that angular visual
16 mass of the four carriers be less or more
17 visually appealing than something that's been
18 designed to be more natural looking, like a
19 tree, either a deciduous tree or one without
20 leaves or a coniferous tree?
21 THE WITNESS (Libertine):
22 Well, from my perspective --
23 and we're going to have to limit this part of
24 the conversation, I think, to more
25 longer-range views because that's where we'd

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1 be talking about having that profile, for
2 lack of a better term.
3 And I would be glad to speak
4 to near-range views afterwards, but from my
5 perspective, it still would be overall less
6 bulky. Would it look more industrial?
7 Absolutely. That's the nature of the beast.
8 However, if we went with even four carriers
9 and made the assumption that they were spaced
10 out 10 feet apart from the top down, that
11 still would not provide the same mass or bulk
12 that we would when we're trying to simulate a
13 tree.
14 Because of the conical shape
15 and the length of those branches, it's just
16 -- it's not -- it would not be the same from
17 a mass bulk perspective, I guess is the only
18 way I can really describe it. Would it look
19 less natural than a fake tree? That's really
20 something that everybody has their own
21 opinion.
22 My opinion is I prefer to see
23 something that is as streamlined as we can
24 make it when you're talking about those type
25 of profiles above the tree line. In the case

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1 of if we -- in some areas the views would
2 have views of all four carriers, 40 feet and
3 probably some of the facility below that. So
4 we're talking about in a couple of locations
5 we could be talking about 50 or 60 feet above
6 the tree line.
7 I think the tree, the mass of
8 the tree that you would have to establish, or
9 a faux tree would have to be substantially
10 larger and would likely draw people's
11 attention more than a tower which has become
12 more or less part of the landscape, you know,
13 in the last 10 or 15 years. That's, again my
14 opinion.
15 MR. AINSWORTH: Okay. So just
16 to clarify, in your opinion a cell tower is
17 more part of the landscape than a tree?
18 THE WITNESS (Libertine): Than
19 a tree that is that far above the tree line
20 and is not of the same type or character,
21 yeah.
22 MR. AINSWORTH: Okay.
23 I have no further questions.
24 Thank you.
25 THE CHAIRPERSON: Thank you.

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1 Before closing this hearing, the Connecticut
2 Siting Council announces that briefs and
3 proposed findings of fact may be filed with
4 the Council by any party or intervenor no
5 later than July 17, 2014. Submission of
6 briefs or proposed findings of fact are not
7 required by this Council, rather we leave it
8 to the choice of the parties and intervenors.
9 Anyone who has not become a
10 party or intervenor, but who desires to make
11 his or her views known to the Council, may
12 file written statements with the Council
13 within 30 days of the date hereof. The
14 Council will issue draft findings of fact,
15 and thereafter, parties and intervenors may
16 identify areas of inconsistencies between the
17 Council's draft findings of fact in the
18 record. However, no information, no new
19 evidence, no argument, or no reply briefs,
20 without permission, will be considered by the
21 Council. Copies of the transcript of this
22 hearing will be filed at the Ridgefield Town
23 Clerk's office.
24 I hereby declare this hearing
25 adjourned, and thank you all for your

1 participation.
2 (Whereupon, the witnesses were
3 excused, and the above proceedings were
4 adjourned at 3:15 p.m.)
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1 I N D E X
2 WITNESSES DAVID MAXSON Page 338
3 EXAMINERS:
4 Mr. Martin Page 340
5 Mr. Fisher Page 368
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7 WITNESSES MICHAEL LAWTON
8 MICHAEL LIBERTINE
9 RAYMOND VERGATI
10 MANUEL VICENTE Page 399
11 EXAMINERS:
12 Mr. Martin Page 402
13 Mr. Ainsworth Page 432
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1 CERTIFICATE
2 I hereby certify that the foregoing 119
3 pages are a complete and accurate
4 computer-aided transcription of my original
5 verbatim notes taken of the Council Meeting
6 in Re: DOCKET NO. 445, HOMELAND TOWERS, LLC,
7 AND NEW CINGULAR WIRELESS PCS, LLC,
8 APPLICATION FOR A CERTIFICATE OF
9 ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED
10 FOR THE CONSTRUCTION, MAINTENANCE, AND
11 OPERATION OF A TELECOMMUNICATIONS FACILITY
12 LOCATED SOUTHWEST OF THE INTERSECTION OF OLD
13 STAGECOACH ROAD AND ASPEN LEDGES ROAD,
14 RIDGEFIELD, CONNECTICUT, which was held
15 before ROBERT STEIN, Chairperson, at the
16 Public Utilities Regulatory Authority, 10
17 Franklin Square, New Britain, Connecticut,
18 Tuesday, June 17, 2014.
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25

Robert G. Dixon, CVR-M 857
Court Reporter
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90 Brainard Road, Suite 103
Hartford, Connecticut 06114

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